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TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS AND AGREEMENTS

BETWEEN

THE UNITED STATES OF AMERICA AND OTHER POWERS

1776–1909

COMPILED BY WILLIAM M. MALLOY
UNDER RESOLUTION OF THE SENATE OF JANUARY 18, 1909
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IN TWO VOLUMES

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NASSAU.

(SEE PRUSSIA.)

1846.[a]

Convention Abolishing Droit d'Aubaine and Emigration Taxes.

Concluded May 27, 1846; ratification advised by the Senate July 21, 1846; ratified by the President July 23, 1846; ratifications exchanged October 13, 1846; proclaimed January 26, 1847.

Articles.

I. Droit d'aubaine abolished.
II. Inheritance of property.
III. Disposal of personal property.
IV. Property of absent heirs.
V. Settlement of disputes.
VI. Convention to apply to property already inherited.
VII. Ratification.

The United States of America and His Royal Highness the Duke of Nassau, having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely:

The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia, and His Royal Highness the Duke of Nassau upon his Minister Resident at the Royal Court of Prussia, Colonel and Chamberlain, Otto Wilhelm Carl von Roeder, comthur of the 1st class of the Ducal Order of Henry the Lion, etc., etc.;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

Article I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively.

Article II.

Where, on the death of any person holding real property within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other, were he not

[a] This treaty terminated when Nassau was merged with Prussia by conquest in 1866.

disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same—which term may be reasonably prolonged according to circumstances—and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property, within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succeed to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property, as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated, at the signature of this convention.

ARTICLE VII.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Royal Highness the Duke of Nassau, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the 27th day of May, one thousand eight hundred and forty-six, in the 70th year of the Independence of the United States of America and the seventh of the reign of His Royal Highness the Duke of Nassau.

[SEAL.] HENRY WHEATON.
[SEAL.] OTTO WILHELM CARL v. ROEDER.

NETHERLANDS.

1782.[a]

Treaty of Peace and Commerce.

Concluded October 8, 1782; ratified by the Continental Congress January 22, 1783.

Articles.

I. Amity.
II. Most favored nation; Netherlands subjects.
III. Most favored nation; United States citizens.
IV. Religious liberty.
V. Protection of vessels.
VI. Disposition of property.
VII. Employment of advocates.
VIII. Detention of vessels.
IX. Reciprocal privileges in business
X. Merchant ships from enemy's port.
XI. Contraband goods.
XII. Confiscation of goods in enemy's ship.
XIII. Injury by vessels of war.
XIV. Responsibility of captains of privateers.
XV. Restoration of goods from privateers.
XVI. Shipwrecks.
XVII. Asylum for vessels.
XVIII. Disposal of property in case of war.
XIX. Letters of marque from foreign state.
XX. Treatment of vessels.
XXI. Consuls.
XXII. Treaty with France.
XXIII. Treaties with Barbary powers.
XXIV. Contraband.
XXV. Passports.
XXVI. Treatment of vessels by privateers.
XXVII. Employment of seamen.
XXVIII. Regulation of refraction.
XXIX. Ratification.

Their High Mightinesses the States General of the United Netherlands and the United States of America, to wit, New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticutt, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to ascertain, in a permanent and equitable manner, the rules to be observed relative to the commerce and correspondence which they intend to establish between their respective States, countries, and inhabitants, have judged that the said end cannot be better obtained than by establishing the most perfect equality and reciprocity for the basis of their agreement, and by avoiding all those burdensome preferences which are usually the sources of debate, embarrassment, and discontent; by leaving also each party at liberty to make, respecting commerce and navigation, such ulterior regulations as it shall find most convenient to itself; and by founding the advantages of commerce solely upon reciprocal utility and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.

[a] This treaty was abrogated by the overthrow of the Netherlands Government in 1795.

On these principles their said High Mightinesses the States General of the United Netherlands have named for their Plenipotentiaries, from the midst of their assembly, Messieurs their Deputies for the Foreign Affairs; and the said United States of America, on their part, have furnished with full powers Mr. John Adams, late Commissioner of the United States of America at the Court of Versailles, heretofore Delegate in Congress from the State of Massachusetts Bay, and chief justice of the said State, who have agreed and concluded as follows, to witt:

Article I.

There shall be a firm, inviolable, and universal peace and sincere friendship between their High Mightinesses the Lords the States General of the United Netherlands and the United States of America and between the subjects and inhabitants of the said parties, and between the countries, islands, cities, and places situated under the jurisdiction of the said United Netherlands and the said United States of America, their subjects and inhabitants, of every degree, without exception of persons or places.

Article II.

The subjects of the said States General of the United Netherlands shall pay in the ports, havens, roads, countries, islands, cities, or places of the United States of America, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, priviledges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports.

Article III.

The subjects and inhabitants of the said United States of America shall pay in the ports, havens, roads, countries, islands, cities, or places of the said United Netherlands, or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured are or shall be obliged to pay; and they shall enjoy all the rights, liberties, priviledges, immunities, and exemptions in trade, navigation, and commerce which the said nations do or shall enjoy, whether in passing from one port to another in the said States, or from any one towards any one of those ports from or to any foreign port of the world. And the United States of America, with their subjects and inhabitants, shall leave to those of their High Mightinesses the peaceable enjoyment of their rights in the countries, islands, and seas, in the East and West Indies, without any hindrance or molestation.

Article IV.

There shall be an entire and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families;

and no one shall be molested in regard to his worship, provided he submits, as to the public demonstration of it, to the laws of the country: There shall be given, moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them in the usual burrying-places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are burried shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths in which they shall be interested.

Article V.

Their High Mightinesses the States General of the United Netherlands and the United States of America shall endeavor, by all the means in their power, to defend and protect all vessells and other effects, belonging to their subjects and inhabitants, respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents, or attornies, all such vessells and effects, which shall be taken under their jurisdiction: And their vessells of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessells belonging to the subjects and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place block[ad]ed, and which shall hold the same course or follow the same rout; and they shall defend such vessells, as long as they shall hold the same course or follow the same rout, against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the vessells belonging to their own respective subjects.

Article VI.

The subjects of the contracting parties may, on one side and on the other, in the respective countries and States, dispose of their effects by testament, donation, or otherwise; and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even ab intestato, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested under pretext of any rights or prerogatives of any province, city, or private person: And if the heirs to whom such successions may have fallen shall be minors, the tutors or curators established by the judge domiciliary of the said minors may govern, direct, administer, sell, and alienate the effects fallen to the said minors by inheritance, and, in general, in relation to the said successions and effects, use all the rights and fullfill all the functions which belong, by the disposition of the laws, to guardians, tutors, and curators: Provided, nevertheless, that this disposition cannot take place but in cases where the testator shall not have named guardians, tutors, curators, by testament, codicil, or other legal instrument.

ARTICLE VII.

It shall be lawfull and free for the subjects of each party to employ such advocates, attorneys, notaries, solicitors, or factors as they shall judge proper.

ARTICLE VIII.

Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessells, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, publick or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party to take or extort by force anything from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof the proceedings must be by way of law, according to the forms of justice.

ARTICLE IX.

It is further agreed and concluded that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place subjected to the jurisdiction of the two Powers respectively, to manage themselves their own business; and moreover, as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessells, and everything which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favored nation.

ARTICLE X.

The merchant-ships of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy of the other ally: They shall be, nevertheless, held, whenever it shall be required, to exhibit, as well upon the high seas as in the ports, their sea-letters and other documents described in the twenty-fifth article, stating expressly that their effects are not of the number of those which are prohibited as contraband; and not having any contraband goods for an enemy's port, they may freely, and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessells convoyed by vessells of war, but credence shall be given to the word of the officer who shall conduct the convoy.

ARTICLE XI.

If, by exhibiting the sea-letters and other documents described more particularly in the twenty-fifth article of this treaty, the other party shall discover there are any of those sorts of goods which are

declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawfull to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessells found therein, or to remove the smallest parcell of her goods, whether the said vessell belongs to the subjects of their High Mightinesses the States General of the United Netherlands or to the subjects or inhabitants of the said United States of America, unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventary thereof made; but there shall be no allowance to sell, exchange, or alienate the same untill after that due and lawfull process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itselff as any other goods found therein, which are to be esteemed free, and may not be detained on prentence of their being infected by the prohibited goods, much less shall they be confiscated as lawfull prize: But, on the contrary, when, by the visitation at land, it shall be found that there are no contraband goods in the vessell, and it shall not appear by the papers that he who has taken and carried in the vessell has been able to discover any there, he ought to be condemned in all the charges, damages, and interests of them, which he shall have caused, both to the owners of vessells and to the owners and freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessells shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itselff equally to the persons who shall be found in a free vessell, who may not be taken out of her, unless they are military men actually in the service of an enemy.

Article XII.

On the contrary, it is agreed that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy; except, nevertheless, such effects and merchandizes as were put on board such vessell before the declaration of war, or in the space of six months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be publick: Provided, nevertheless, that if the said merchandizes are contraband, it shall by no means be lawfull to transport them afterwards to any port belonging to enemies.

Article XIII.

And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessells of war or privateers of the other party, it shall be forbidden to all commanders of vessells of war and other armed

vessells of the said States General of the United Netherlands and the said United States of America, as well as to all their officers, subjects, and people, to give any offence or do any damage to those of the other party: And if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests thereof, by reparation, under pain and obligation of their persons and goods.

Article XIV.

For further determining of what has been said, all captains of privateers or fitters-out of vessells armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruizes or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions.

Article XV.

All vessells and merchandizes of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two States, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietor as soon as due and sufficient proofs shall be made concerning the property thereof.

Article XVI.

If any ships or vessells, belonging to either of the parties, their subjects, or people, shall, within the coasts or dominions of the other, stick upon the sands, or be wrecked, or suffer any other sea-damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof; and the vessells, effects, and merchandizes, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: There shall also be delivered them safe conducts or passports, for their free and safe passage from thence, and to returne, each one, to his own country.

Article XVII.

In case the subjects or people of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads, or shores be-

longing to the other party, they shall be received with all humanity and kindness and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victualls, and all things needfull for the sustenance of their persons or reparation of their ships; and they shall no ways be detained or hindred from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Article XVIII.

For the better promoting of commerce on both sides, it is agreed that, if a war should break out between their High Mightinesses the States General of the United Netherlands and the United States of America, there shall always be granted to the subjects on each side the term of nine months after the date of the rupture, or the proclamation of war, to the end that they may retire, with their effects, and transport them where they please, which it shall be lawfull for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessells and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea shall be adjudged lawfull, at least if the declaration of war was not or could not be known, in the last port which the vessell taken has quitted; but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a compleat satisfaction shall be given them.

Article XIX.

No subject of their High Mightinesses the States General of the United Netherlands shall apply for or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States of America, or any of them, or the subjects and inhabitants of the said United States or any of them, or against the property of the inhabitants of any of them, from any Prince or State with which the said United States of America may happen to be at war: Nor shall any subject or inhabitant of the said United States of America, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the High and Mighty Lords the States General of the United Netherlands, or against the subjects of their High Mightinesses, or any of them, or against the property of any one of them, from any Prince or State with which their High Mightinesses may be at war: And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate.

Article XX.

If the vessells of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to

unload their cargoes or break bulk, or take in any cargoe, they shall not be obliged to pay, neither for the vessells nor the cargoes, any duties of entry in or out, nor to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

Article XXI.

The two contracting parties grant to each other, mutually, the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chuses to make such appointments.

Article XXII.

This treaty shall not be understood in any manner to derogate from the ninth, tenth, nineteenth, and twenty-fourth articles of the treaty with France, as they were numbered in the same treaty, concluded the sixth of February, 1778, and which make the articles ninth, tenth, seventeenth, and twenty-second of the treaty of commerce now subsisting between the United States of America and the Crown of France: Nor shall it hinder His Catholic Majesty from acceding to that treaty, and enjoying the advantages of the said four articles.

Article XXIII.

If at any time the United States of America shall judge necessary to commence negotiations with the King or Emperor of Morocco and Fez, and with the Regencies of Algiers, Tunis, or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediteranean Sea, their High Mightenesses promise that upon the requisition which the United States of America shall make of it, they will second such negotiations in the most favorable manner, by means of their Consuls, residing near the said King, Emperor, and Regencies.

CONTRABAND.

Article XXIV.

The liberty of navigation and commerce shall extend to all sorts of merchandizes, excepting only those which are distinguished under the name of contraband, or merchandizes prohibited: And under this denomination of contraband and merchandizes prohibited, shall be comprehended only warlike stores and arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gunpowder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses, and other sorts of arms, as also soldiers, horses, saddles, and furniture for horses; all other effects and merchandizes, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessells of war, or for the manufacture of one or another sort of machines of war, by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the

notion of effects prohibited or contraband: so that all effects and merchandizes, which are not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked, or invested; and those places only shall be held for such which are surrounded nearly by some of the belligerent Powers.

Article XXV.

To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessells belonging to the subjects or inhabitants of the other ally shall be provided with sea-letters or passports, expressing the name, the property, and the burthen of the vessell, as also the name and the place of abode of the master, or commander of the said vessell, to the end that thereby it may appear that the vessell really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed, according to the form annexed to this treaty; each time that the vessell shall return, she should have such her passport renewed, or at least they ought not to be of more antient date than two years, before the vessell has been returned to her own country.

It has been also agreed, that such vessells, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other publick documents, which are ordinarily given to vessels outward bound in the ports from whence the vessells have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination, or, instead of all these, with certificates from the magistrates or governors of cities, places, and colonies from whence the vessell came, given in the usual form, to the end that it may be known whether there are any effects prohibited or contraband, on board the vessells, and whether they are destined to be carried to an enemy's country or not; and in case any one judges proper to express in the said documents the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it; and the omission of such expression cannot and ought not to cause a confiscation.

Article XXVI.

If the vessells of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessell of war, or privateer, or other armed vessell of the other party, the said vessells of war, privateers, or armed vessells, for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessell, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessell, according to the form annexed to this treaty: And the vessell, after having exhibited such a passport, sea-letter, and other documents, shall be free to continue her voyage, so that it shall not be lawfull to molest her, or search her in any manner, nor to give her chase, nor to force her to alter her course.

Article XXVII.

It shall be lawfull for merchants, captains and commanders of vessells, whether public and of war, or private and of merchants, belonging to the said United States of America, or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessells, in any port or place in the jurisdiction of their High Mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said States, upon such conditions as they shall agree on, without being subject for this to any fine, penalty, punishment, process, or reprehension whatsoever.

And reciprocally, all merchants, captains and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said United States of America, the same priviledge of engaging and receiving seamen or others, natives or inhabitants of any country of the domination of the said States General: Provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service, upon pain of being otherwise treated and punished as deserters.

Article XXVIII.

The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect.

Article XXIX.

The present treaty shall be ratified and approved by their High Mightinesses the States General of the United Netherlands, and by the United States of America; and the acts of ratification shall be delivered in good and due form, on one side and on the other, in the space of six months, or sooner if possible, to be computed from the day of the signature.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and the Minister Plenioptentiary of the United States of America, in virtue of our respective authorities and full powers, have signed the present treaty, and apposed thereto the seals of our arms.

Done at the Hague the eight of October, one thousand seven hundred eighty-two.

[SEAL.]	John Adams.
[SEAL.]	George Van Randwyck.
[SEAL.]	B. V. D. Santheuvel.
[SEAL.]	P. V. Bleiswyk.
[SEAL.]	W. C. H. Van Lynden.
[SEAL.]	D. J. Van Heeckeren.
[SEAL.]	Joan Van Kuffeler.
[SEAL.]	F: G: Van Dedem, *tot den Gelder.*
[SEAL.]	H: Tjassens.

ANNEX TO THE TREATY OF AMITY AND COMMERCE OF OCTOBER 8, 1782.

The form of the passport which shall be given to ships and vessels in consequence of the 25th article of this treaty.

To all who shall see these presents, greeting:

Be it known that leave and permission are hereby given to ——— ———, master or commander of the ship or vessel called ——, of the burthen of ——— tons, or thereabouts, lying at present in the port or haven of ——, bound for ——— and laden with ———, to depart and proceed with his said ship or vessel on his said voyage, such ship or vessel having been visited, and the said master and commander having made oath before the proper officer that the said ship or vessel belongs to one or more of the subjects, people, or inhabitants of ——, and to him or them only.

In witness whereof we have subscribed our names to these presents and affixed the seal of our arms thereto, and caused the same to be countersigned by ——— ———, at ———, this —— day of ———, in the year of our Lord Christ———.

Form of the certificate which shall be given to ships or vessels in consequence of the 25th article of this treaty.

We, ———, magistrates or officers of the customs of the city or port of ———, do certify and attest that on the —— day of ———, in the year of our Lord ———, C. D., of ———, personally appeared before us, and declared by solemn oath that the ship or vessel called ———, of ——— tons or thereabouts, whereof ——— ———, of ———, is at present master or commander, does, rightfully and proper[ly], belong to him or them only.

That she is now bound from the city or port of ——— to the port of ———, laden with goods and merchandises, hereunder particularly described and enumerated as follows:

In witness whereof we have signed this certificate and sealed it with the seal of our office this —— day of ——— in the year of our Lord Christ ———.

Form of the Sea-Letter.

Most Serene, Serene, most Puissant, Puissant, High, Illustrious, Noble, Honorable, Venerable, Wise and Prudent, Lords, Emperors, Kings, Republicks, Princes, Dukes, Earls, Barons, Lords, Burgomasters, Schepens, Councillors, as also Judges, Officers, Justiciaries and Regents of all the good cities and places, whether ecclesiastical or secular, who shall see these patents, or hear them read: We Burgomasters and Regents of the city of ——— make known that the master of ——— appearing before us has declared upon oath that the vessell called ——— of the burthen of about ——— lasts which he at present navigates, is of the United Provinces, and that no subjects of the enemy have any part or portion therein, directly nor indirectly, so may God almighty help him. And as we wish to see the said master prosper in his lawful affairs our prayer is to all the before mentioned, and to each of them separately, where the said master shall arrive, with his vessel and cargo, that they may please

to receive the said master with goodness and to treat him in a becoming manner, permitting him, upon the usual tolls and expenses, in passing and repassing, to pass, navigate and frequent the ports, passes and territories to the end to transact his business, where, and in what manner he shall judge proper: whereof we shall be willingly indebted.

In witness and for cause whereof we affix hereto the seal of this citty.

(In the margin:) By ordinance of the High and Mighty Lords, the States General of the United Netherlands.

1782.[a]

Convention Relative to Recaptured Vessels.

Concluded October 8, 1782; ratified by the Continental Congress January 23, 1783.

Articles.

I. Restoration of recaptured vessels.
II. To whom to belong.
III. Recaptured by vessels of war.
IV. Restitution.
V. Vessels of war; prizes.
VI. Regulations.

The Lords the States General of the United Netherlands, and the United States of America, being inclined to establish some uniform principles with relation to prizes made by vessells of war, and commissioned by the two contracting Powers, upon their common enemies, and to vessells of the subjects of either party, captured by the enemy, and recaptured by vessells of war commissioned by either party, have agreed upon the following articles.

Article I.

The vessells of either of the two nations recaptured by the privaters of the other, shall be restored to the first proprietor, if such vessells have not been four and twenty hours in the power of the enemy, provided the owner of the vessell recaptured, pay therefor one-third of the value of the vessell, as also of that of the cargo, the cannons and apparel, which third shall be valued by agreement, between the parties interested; or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty, of the place where the privateer who has retaken the vessell shall have conducted her.

Article II.

If the vessell recaptured has been more than twenty-four hours in the power of the enemy, she shall belong entirely to the privateer who has retaken her.

Article III.

In case a vessell shall have been recaptured by a vessell of war belonging to the States General of the United Netherlands, or to the

[a] This convention was abrogated by the overthrow of the Netherlands Government in 1795.

United States of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if she has been recaptured in the interval of twenty-four hours, and the tenth part if she has been recaptured after the twenty-four hours; which sums shall be distributed in form of gratifications to the crews of the vessells which shall have retaken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenour of the first article of the present convention.

Article IV.

The restitution of prizes, whether they may have been retaken by vessells of war or by privateers, in the mean time and untill requisite and sufficient proofs can be given of the property of vessells recaptured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforesaid articles.

Article V.

The vessells of war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each with their prizes, which may be unloaded and sold according to the formalities used in the State where the prize shall have been conducted, as far as may be consistent with the 22d article of the treaty of commerce: Provided always, that the legality of prizes by the vessells of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands; as likewise, that of prizes made by American vessells, shall be judged according to the laws and regulations determined by the United States of America.

Article VI.

Moreover, it shall be free for the States General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessells and privateers ought to hold in relation to the vessells which they shall have taken and conducted into the ports of the two Powers.

In faith of which, We the Deputies and Plenipotentiaries of the Lords the States General of the United Netherlands, and Minister Plenipotentiary of the United States of America, have, in virtue of our respective authorities and full powers, signed these presents, and confirmed the same with the seal of our arms.

Done at the Hague the eight of October, one thousand seven hundred eighty-two.

[SEAL.]	John Adams.
[SEAL.]	George Van Randwyck.
[SEAL.]	B. V. D. Santheuvel.
[SEAL.]	P. V. Bleiswÿk.
[SEAL.]	W. C. H. Van Lÿnden.
[SEAL.]	D. J. Van Heeckeren.
[SEAL.]	Joan Van Kuffeler.
[SEAL.]	F: G: Van Dedem, *tot den Gelder.*
[SEAL.]	H: Tjassens.

1839.

Treaty of Commerce and Navigation.

Concluded January 19, 1839; ratification advised by the Senate January 31, 1839; ratified by the President February 1, 1839; ratifications exchanged May 23, 1839; proclaimed May 24, 1839.

Articles.

I. Import and export duties, drawbacks, etc.
II. Shipping charges.
III. Consular officers.
IV. Nationality of ships.
V. Shipwrecks.
VI. Duration.
VII. Ratification.

The United States of America and His Majesty the King of the Netherlands, anxious to regulate the commerce and navigation carried on between the two countries in their respective vessels, have, for that purpose, named plenipotentiaries, that is to say:

The President of the United States has appointed John Forsyth, Secretary of State of the said United States; and His Majesty the King of the Netherlands, Jonkheer Evert Marius Adrian Martini, Member of the Body of Nobles of the Province of North Brabant, Knight of the Order of the Netherland Lion, and his Chargé d'Affaires near the United States;

Who, having exchanged their respective full powers, found in good and due form, have agreed to the following articles:

Article I.[a]

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from or to the ports of the Netherlands in Europe, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels; and, reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands in Europe from or to the ports of the United States, in vessels of the said States, shall pay no higher or other duties than shall be levied on the like goods and merchandise so imported or exported in national vessels. The bounties, drawbacks, or other favors of this nature which may be granted in the States of either of the contracting parties on goods imported or exported in national vessels shall also and in like manner be granted on goods directly exported or imported in vessels of the other country to and from the ports of the two countries; it being understood that, in the latter as in the preceding case, the goods shall have been loaded in the ports from which such vessels have been cleared.

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[a] Articles I and II of this treaty are amended by the convention of August 26, 1852.

ARTICLE II.[a]

Neither party shall impose upon the vessels of the other, whether carrying cargoes between the United States and the ports of the Netherlands in Europe, or arriving in ballast from any other country, any duties of tonnage, harbour dues, light-houses, salvage, pilotage, quarantine, or port charges of any kind or denomination which shall not be imposed in like cases on national vessels.

ARTICLE III.

It is further agreed between the two contracting parties that the Consuls and Vice-Consuls of the United States in the ports of the Netherlands in Europe, and, reciprocally, the Consuls and Vice-Consuls of the Netherlands in the ports of the said States, shall continue to enjoy all privileges, protection, and assistance, as may be usual and necessary for the duly exercising of their functions, in respect also of the deserters from the vessels, whether public or private, of their countries.

ARTICLE IV.

The contracting parties agree to consider and treat as vessels of the United States and of the Netherlands all such as, being furnished by the competent authority with a passport or sea-letter, shall, under the then existing laws and regulations, be recognized as national vessels by the country to which they respectively belong.

ARTICLE V.

In case of shipwreck or damage at sea, each party shall grant to the vessels, whether public or private, of the other, the same assistance and protection which would be afforded to its own vessels in like cases.

ARTICLE VI.

The present treaty shall be in force for the term of ten years, commencing six weeks after the exchange of the ratifications; and further until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same: each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of ten years. And it is hereby mutually agreed that in case of such notice this treaty, and all the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

ARTICLE VII.

The present treaty shall be ratified, and the ratifications shall be exchanged at Washington, within six months of its date, or sooner, if practicable.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

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[a] Articles I and II of this treaty are amended by the convention of August 26, 1852.

Done in duplicate at the city of Washington, this nineteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

[SEAL.] JOHN FORSYTH.
[SEAL.] ADR. MARTINI.

1852.

CONVENTION OF COMMERCE AND NAVIGATION.

Concluded August 26, 1852; ratification advised by the Senate February 17, 1853; ratified by the President February 21, 1853; ratifications exchanged February 25, 1853; proclaimed February 26, 1853.

ARTICLES.

I. Import and export duties, bounties, drawbacks, etc.
II. Trade with colonies of the Netherlands.
III. Shipping dues.
IV. Coasting trade and fisheries.
V. Discriminations in favor of direct trade.
VI. Duration and extent.
VII. Ratification.

The United States of America and His Majesty the King of the Netherlands, being desirous of placing the commerce of the two countries on a footing of greater mutual equality, have appointed as their Plenipotentiaries for that purpose, that is to say:

The President of the United States of America, Daniel Webster, Secretary of State of the United States; and His Majesty the King of the Netherlands, François Mathieu Wenceslas Baron Testa, Commander of the Royal Grand Ducal Order of the Crown of Oak of Luxembourg, Knight of the Royal Order of the Lion of the Netherlands, and of the Grand Ducal Order of the White Falcon, third class, Counsellor of Legation, and His Majesty's Chargé d'Affaires to the Government of the United States of America;

Who, after having communicated to each other their respective powers, found in good and due form, have agreed that, for and in lieu of the first and second articles of the treaty of commerce and navigation, signed at Washington on the 19th of January, 1839, between the high contracting parties, the following articles shall be substituted:

ARTICLE I.

Goods and merchandise, whatever their origin may be, imported into or exported from the ports of the United States from and to any other country, in vessels of the Netherlands, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels. Reciprocally, goods and merchandise, whatever their origin may be, imported into or exported from the ports of the Netherlands from and to any other country, in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported in national vessels.

The bounties, drawbacks, and other privileges of this nature which may be granted in the States of either of the contracting parties, on goods imported or exported in national vessels, shall also and in like manner be granted on goods imported or exported in vessels of the other country.

Article II.

The above reciprocal equality in relation to the flags of the two countries is understood to extend also to the ports of the colonies and dominions of the Netherlands beyond the seas, in which goods and merchandise, whatever their origin may be, imported or exported from and to any other country in vessels of the United States, shall pay no higher or other duties than shall be levied on the like goods and merchandise imported or exported from and to the same places in vessels of the Netherlands. The bounties, drawbacks, or other privileges of similar denomination which may be there granted on goods and merchandise imported or exported in vessels of the Netherlands shall also, and in like manner, be granted on goods and merchandise imported or exported in vessels of the United States.

Article III.

Neither party shall impose upon the vessels of the other, whether carrying cargoes or arriving in ballast from either of the two countries, or any other country, any duties of tonnage, harbor dues, lighthouse, salvage, pilotage, quarantine, or port charges of any kind or denomination, which shall not be imposed in like cases on national vessels.

Article IV.

The present arrangement does not extend to the coasting trade and fisheries of the two countries respectively, which are exclusively allowed to national vessels: it being moreover understood that, in the East Indian Archipelago of the Netherlands, the trade from island to island is considered as coasting trade, and likewise in the United States, the trade between their ports on the Atlantic and their ports on the Pacific; and if, at any time, either the Netherlands or the United States shall allow to any other nation the whole or any part of the said coasting trade, the same trade shall be allowed on the same footing and to the same extent to the other party. It being, however, expressly understood and agreed that nothing in this article shall prevent the vessels of either nation from entering and landing a portion of their inward cargoes at one port of the other nation, and then proceeding to any other port or ports of the same, to enter and land the remainder, nor from preventing them in like manner from loading a portion of their outward cargoes at one port and proceeding to another port or ports to complete their lading, such landing or lading to be done under the same rules and regulations as the two governments may respectively establish for their national vessels in like cases.

ARTICLE V.

The above reciprocal equality in relation to the flags of the two countries is not understood to prevent the Government of the Netherlands from levying discriminating duties of import or export in favor of the direct trade between Holland and her colonies and dominions beyond the seas; but American vessels engaged in such direct commerce shall be entitled to all the privileges and immunities, whether as regards import or export duties, or otherwise, that are or may be enjoyed by vessels under the Dutch flag. Likewise, the United States shall continue to levy the discriminating duties imposed by the present tariff on teas and coffee, in favor of the direct importation of these articles from the place of their growth, but also without discriminating between the flags of the two countries. And if, at any time, the Netherlands or the United States shall abolish the said discriminating duties, it is understood that the same shall be in like manner abolished in relation to the commerce of the other country.

ARTICLE VI.

The present convention shall be considered as additional to the above-mentioned treaty of the 19th of January, 1839, and shall, altogether, with the unmodified articles of that treaty, be in force for the term of two years, commencing six weeks after the exchange of the ratifications; and further, until the end of twelve months after either of the contracting parties shall have given to the other notice of its intention to terminate the same, each of the contracting parties reserving to itself the right of giving such notice to the other, after the expiration of the said term of two years. And it is hereby mutually agreed that, in case of such notice, this convention, and all the provisions thereof, as well as the said treaty of 19th January, 1839, and the provisions thereof, shall, at the end of the said twelve months, altogether cease and determine.

ARTICLE VII.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington within six months of its date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in duplicate at the city of Washington, this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and fifty-two.

[SEAL.] DAN'L WEBSTER.
[SEAL.] FS. TESTA.

1855.

Consular Convention.

Concluded January 22, 1855; ratification advised by Senate March 3, 1855; proclaimed May 26, 1855.

Articles.

I. American consuls in colonies.
II. Powers and office.
III. Exequaturs.
IV. Consular office.
V. Archives.
VI. Consuls not to have diplomatic powers.
VII. Vice-consuls.
VIII. Passports.
IX. Shipwrecks.
X. Deserters.
XI. Estates of deceased persons.
XII. Arbitration by consuls.
XIII. Military service.
XIV. Most favored nation.
XV. Duration.

His Majesty the King of the Netherlands, wishing to strengthen the bonds of friendship subsisting between the United States of America and the Kingdom of the Netherlands, and to give the amplest possible development to the commercial intercourse so happily established between the two nations, has, for the accomplishment of that purpose, and in order to satisfy a desire repeatedly expressed by the Government of the United States, consented to receive Consuls from said States in the principal ports of the Dutch colonies, with the reservation, however, of making this concession the subject of a special convention, which shall determine, in a clear and precise manner, the rights, duties, and privileges of said Consuls in the colonies above mentioned.

Accordingly, the President of the United States has named August Belmont, a citizen of the United States, and their Minister Resident near His Majesty the King of the Netherlands;

His Majesty the King of the Netherlands, the Sieur Floris Adriaan Van Hall, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister of State and for Foreign Affairs, and the Sieur Charles Ferdinand Pahud, Grand Cross of the Order of the Netherlands Lion, His Majesty's Minister for the colonies;

Who, after communicating to each other their full powers, found in good and due form, have agreed upon the following articles:

Article I.

Consuls-General, Consuls, and Vice-Consuls of the United States of Amerika will be admitted into all the ports in the transmarine possessions or colonies of the Netherlands, which are open to the vessels of all nations.

Article II.

The Consuls-General, Consuls, and Vice-Consuls of the United States of America are considered as commercial agents, protectors of the maritime commerce of their countrymen, in the ports within the circumference of their consular districts.

They are subject to the laws, both civil and criminal, of the country in which they reside, with such exceptions as the present convention establishes in their favor.

ARTICLE III.

The Consuls-General and Consuls, before being admitted to exercise their functions, and to enjoy the immunities attached thereto, must present a commission, in due form, to the government of His Majesty the King of the Netherlands.

After having obtained the exequatur, which shall be countersigned as promptly as possible by the governor of the colony, the said Consular Agents shall be entitled to the protection of the government, and to the assistance of the local authorities, in the free exercise of their functions.

The Government, in granting the exequatur, reserves the right of withdrawing the same, or to cause it to be withdrawn by the Governor of the colony, on a statement of the reasons for doing so.

ARTICLE IV.

The Consuls-General and Consuls are authorized to place on the outer door of their consulates the arms of their Government, with the inscription: "Consulate of the United States of America."

It is well understood that this outward mark shall never be considered as conferring the right of asylum, nor as having the power to exempt the house and those dwelling therein from the prosecution of the local justice.

ARTICLE V.

It is, nevertheless, understood that the archives and documents relating to the affairs of the consulate shall be protected against all search, and that no authority or magistrate shall have the power, under any pretext whatever, to visit or seize them, or to examine their contents.

ARTICLE VI.

The Consuls-General, Consuls, and Vice-Consuls shall not be invested with any diplomatic character.

When a request is to be addressed to the Netherlands Government, it must be done through the medium of the Diplomatic Agent residing at the Hague, if one be there.

The Consul may, in case of urgency, apply to the Governor of the colony himself, showing the urgency of the case, and stating the reasons why the request cannot be addressed to the subordinate authorities, or that previous applications made to such authorities have not been attended to.

ARTICLE VII.

Consuls-General and Consuls shall be free to establish Vice-Consuls in the ports mentioned in art. 1, and situated in their consular districts.

The Vice-Consuls may be taken indiscriminately from among the subjects of the Netherlands, or from citizens of the United States, or of any other country residing, or having the privilege, according to the local laws, to fix their residence in the port to which the Vice-Consul shall be named.

These Vice-Consuls, whose nomination shall be submitted to the approval of the Governor of the colony, shall be provided with a certificate, given to them by the Consul under whose orders they exercise their functions.

The Governor of the colony may in all cases withdraw from the Vice-Consuls the aforesaid sanction, in communicating to the Consul-General or Consul of the respective district the motives for his doing so.

Article VIII.

Passports delivered or signed by Consuls or Consular Agents, do not dispense the bearer from providing himself with all the papers required by the local laws, in order to travel or to establish himself in the colonies.

The right of the Governor of the colony to prohibit the residence in, or to order the departure from the colony of any person, to whom a passport may have been delivered, remains undisturbed.

Article IX.

When a ship of the United States is wrecked upon the coast of the Dutch colonies, the Consul-General, Consul, or Vice-Consul who is present at the scene of the disaster, will, in case of the absence, or with t[h]e consent of the captain or supercargo, take all the necessary measures for the salvage of the vessel, the cargo, and all that appertains to it.

In the absence of the Consul-General, Consul, or Vice-Consul, the Dutch authorities of the place where the wreck has taken place will act in the premises, according to the regulations prescribed by the laws of the colony.

Article X.

Consuls-General, Consuls, and Vice-Consuls may, in so far as the extradition of deserters from merchant-vessels or ships of war shall have been stipulated by treaty, request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from vessels of the United States. To this end they shall apply to the competent functionaries, and claim said deserters, in writing, proving by the register of the vessel, the list of the crew, or by any other authentic document, that the persons claimed belonged to the crew.

The reclamation being thus supported, the local functionaries shall exercise what authority they possess, in order to cause the deserters to be delivered up.

These deserters, being arrested, shall be placed at the disposal of said Consuls, and may be confined in the public prisons at the request and at the expense of those who claim them, in order that they may be taken to the vessels to which they belong, or to other vessels of the same nation. But if they are not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter be found to have committed any crime, offence, or contravention, his extradition may

be delayed until the court having cognizance of the matter shall have pronounced its sentence, and the same has been carried into execution.

ARTICLE XI.

In case of the death of a citizen of the United States, without having any known heirs or testamentary executors, the Dutch authorities, who, according to the laws of the colonies, are charged with the administration of the estate, will inform the Consuls, or Consular Agents, of the circumstance, in order that the necessary information may be forwarded to parties interested.

ARTICLE XII.

The Consuls-General, Consuls, and Vice-Consuls have, in that capacity, in so far as the laws of the United States of America allow it, the right to be named arbiters in the differences which may arise between the masters and the crews of the vessels belonging to the United States, and this without the interference of the local authorities, unless the conduct of the crew or of the captain should have been such as to disturb the order and tranquillity of the country, or that the Consuls-General, Consuls, or Vice-Consuls, should request the assistance of the said authorities, in order to carry out their decisions or to maintain their authority.

It is understood, however, that this decision or special arbitrament is not to deprive, on their return, the parties in litigation of the right of appeal to the judiciary authorities of their own country.

ARTICLE XIII.

The Consuls-General, Consuls, and Vice-Consuls, who are not subjects of the Netherlands, who, at the time of their appointment, are not established as residents in the Kingdom of the Netherlands or its colonies, and who do not exercise any calling, profession, or trade, besides their consular functions, are, in so far as in the United States the same privileges are granted to the Consuls-General, Consuls, and Vice-Consuls of the Netherlands, exempt from military billetings, from personal taxation, and, moreover, from all public or municipal taxes which are considered of a personal character, so that this exemption shal[l] never extend to custom-house duties or other taxes, whether indirect or real.

The Consuls-General, Consuls, and Vice-Consuls, who are not natives or recognized subjects of the Netherlands, but who may exercise conjointly with their consular functions any profession or trade whatever, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

Consuls General, Consuls, and Vice-Consuls, subjects of the Netherlands, but to whom it has been accorded to exercise consular functions conferred by the Government of the United States of America, are obliged to fulfill duties, and pay taxes and contributions, like all Dutch subjects and other inhabitants.

ARTICLE XIV.

The Consuls-General, Consuls, and Vice-Consuls of the United States shall enjoy all such other privileges, exemptions, and immunities, in the colonies of the Netherlands, as may at any future time be granted to the agents of the same rank of the most favored nations.

Article XV.

The present convention shall remain in force for the space of five years from the day of the exchange of the ratifications, which shall take place within the delay of twelve months, or sooner if possible.

In case neither of the contracting parties gives notice twelve months before the expiration of the said period of five years, of its intention not to renew this convention, it shall remain in force a year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall give such notice.

In witness whereof, the respective Plenipotentiaries have signed the present convention, and have affixed thereto the seals of their arms.

Done at the Hague this twenty-second day of January, in the year of our Lord one thousand eight hundred and fifty-five.

[SEAL.] August Belmont.
[SEAL.] Van Hall.
[SEAL.] C. F. Pahud.

1878.

Consular Convention.

Concluded May 23, 1878; ratification advised by the Senate June 6, 1878; ratified by the President June 21, 1878; time for exchange of ratifications extended by the Senate January 29, 1879, and May 8, 1879; ratifications exchanged July 31, 1879; proclaimed August 1, 1879.

Articles.

I. Consular officers authorized.
II. Commissions and exequaturs.
III. Exemptions and privileges.
IV. Testimony by consular officers.
V. Arms and flags.
VI. Inviolability of archives.
VII. Acting consular officers.
VIII. Vice-consular officers and agents.
IX. Communication with authorities.
X. Rights of consular officers.
XI. Settlement of shipping disputes.
XII. Deserters from ships.
XIII. Damages at sea.
XIV. Shipwrecks and salvage.
XV. Notification of deaths.
XVI. Duration.
XVII. Ratification.

The United States and His Majesty, the King of the Netherlands, being equally actuated by a desire to determine with precision the reciprocal rights, privileges, immunities and duties of their respective Consular Officers, together with their functions, have resolved to conclude a Consular Convention, and have appointed their plenipotentiaries, viz:

The President of the United States of America, William M. Evarts, Secretary of State of the United States: His Majesty, the King of the Netherlands; Jonkheer Rudolph Alexander August Eduard von Pestel, Knight of the Order of the Netherland's Lion, His Majesty's Minister Resident in the United States, who having exchanged their respective full powers which were found to be in good and due form, have agreed upon the following articles:

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ARTICLE I.

Each of the high contracting parties agrees to receive Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the other, into all its ports, cities and places, except in those localities where there may be some objection to admitting such officers.

This exception, however, shall not be made in regard to one of the high contracting parties, without being made likewise in regard to every other Power.

ARTICLE II.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two high contracting parties, shall be reciprocally received and recognized on producing their commissions in the forms established in their respective countries, and the necessary exequaturs shall be delivered to them free of cost, on exhibiting which they shall enjoy the rights, prerogatives and immunities which are granted by the present convention.

The government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the consular officer, and subsequently of the changes that may be made in this district.

ARTICLE III.

The respective Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular-Agents, Consular-Pupils and Consular-Clerks of the high contracting parties, shall enjoy in the two countries all the privileges, exemptions and immunities which are enjoyed or which may be hereafter enjoyed by the officers of the same rank of the most favored nation. Such consular officers being citizens or subjects of the country which has appointed them shall be exempted from military billeting and contributions, and from all military service by land or by sea, whether in the regular army, in the national or civic guard; or in the militia, and shall enjoy personal immunity from arrest or imprisonment except for acts constituting crimes or misdemeanors by the laws of the country in which they reside. They shall, moreover, when citizens or subjects of the country which has appointed them, and provided they be not engaged in commerce or manufactures, likewise be exempt from capitation or sumptuary taxes, and from all other fiscal duties or contributive taxes of a direct or personal character; but this immunity shall not extend to customs, excise or octroi duties, nor to taxes upon real or personal property which they may acquire or own in the country in which they exercise their functions.

Consular officers who engage in commerce shall not plead their consular privileges to avoid their commercial liabilities.

ARTICLE IV.

If the testimony of a consular officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in

business, is needed before the courts of either country, he shall be invited in writing to appear in court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such consular officer before the courts of the country where he may exercise his functions, the interested party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the consular officer in the manner prescribed in § I, to give his testimony.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided.

Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the constitution of the United States, or with like provisions in the constitutions of the several States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

Article V.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents may place above the outer door of their offices, or residences, the arms of their nation, together with a proper inscription indicative of their office. They may also display the flag of their country over their offices, or dwellings, and may hoist their flag upon any vessel employed by them in port in the discharge of their duty.

Article VI.

The consular archives shall be at all times inviolable, and the local authorities shall under no pretext, examine or seize the papers belonging thereto.

When a consular officer is engaged in business, the papers relating to the Consulate shall be kept in a separate enclosure and apart from the papers pertaining to his business.

The offices and dwellings of consular officers shall in no event be used as places of asylum.

Article VII.

In the event of inability to act, absence or decease of Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, Consular-Agents, their Consular-Pupils and Consular-Clerks, Chancellors or Secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Minister of Foreign Affairs at the Hague, shall be permitted to take charge *ad interim* of the business of the Consulate, and while thus acting, and so far as may be competent according to Article III., if foreign citizens not engaged in commerce, shall enjoy all the rights, privileges and immunities granted to the incumbents.

Article VIII.

Consuls-General and Consuls may with the approval of their respective governments, appoint Vice-Consuls-General, Vice-Consuls and Consular-Agents in the cities, ports and places within their con-

sular district. They may appoint as such, without distinction, citizens of the United States, subjects of the Netherlands, or citizens or subjects of other countries. The persons so appointed shall be furnished with a commission, and shall enjoy the privileges, rights and immunities provided for in this Convention in favor of consular officers, subject to provisions and limitations as specified in Article III., and in other articles hereof.

Article IX.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two high contracting parties, shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen.

If such application shall not receive proper attention, such consular officers may, in the absence of the diplomatic agent of their country, apply directly to the government of the country in which they reside.

Article X.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls or Consular-Agents of the two countries, or their Chancellors, shall have the right conformably to the laws and regulations of their country:

1. To take at their office or dwelling, at the residence of the parties, or on board of vessels of their own nation, the depositions of the captains and crews, of passengers on board of them, of merchants, or of any other persons.

2. To receive and verify certificates of births and deaths of their countrymen and of marriages between them, and all unilateral acts, wills and bequests of their countrymen, and any and all acts of agreement entered upon between subjects or citizens of their own country, and between such subjects or citizens and the subjects or citizens or other inhabitants of the country where they reside, and also all contracts between the latter; provided such unilateral acts, acts of agreement or contracts relate to property situated or to business to be transacted in the territory of the nation by which the said consular officers are appointed.

All such acts of agreement and other instruments, and also copies and translations thereof, when duly authenticated by such Consul-General, Vice-Consul-General, Consul, Vice-Consul or Consular-Agent under his official seal, shall be received in Courts of Justice, as legal documents or as authenticated copies as the case may be, subject to the provisions of law on such subject, however, in the two countries.

Article XI.

Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents shall have charge of the internal order on board of the merchant vessels of their nation, to the exclusion of all local au-

thorities. They shall take cognizance of all disputes and determine all differences which may have arisen at sea, or which may arise in port, between the captains, officers and crews, including disputes concerning wages and the execution of contracts reciprocally entered into. The courts or other authorities of either country, shall on no account interfere in such disputes unless such differences on board ship be of a nature to disturb the public peace on shore or in port, or unless persons other than the officers and crew are parties thereto.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls, and Consular-Agents shall be at liberty to go, either in person or by proxy, on board vessels of their nation admitted to entry, and to examine the officers and crews, to examine the ships' papers, to receive declarations concerning their voyage, their destination and the incidents of the voyage; also to draw up manifests and lists of freight or other documents, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country to assist them as their interpreters or agents.

Article XII.

The Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two countries may respectively cause to be arrested and sent on board, or cause to be returned to their own country, such officers, seamen or other persons forming part of the crew of ships of war or merchant vessels of their nation, who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or local authorities in writing and make request for the return of the deserter, and furnish evidence by exhibiting the register, crew list or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belong to said ship's company. On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the jails of the country, pursuant to the requisition and at the expense of the Consuls-General, Vice-Consuls-General, Consuls, Vice Consuls or Consular-Agents until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are subjects or citizens of the country within which the demand is made, shall be exempted from these provisions.

If the deserter shall have committed any crime or offence in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

Article XIII.

Except in the case of agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they put into port voluntarily,

or are forced so to do by stress of weather, shall be adjusted by the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular Agents of the respective countries.

If, however, any inhabitants of the country, or subjects or citizens of a third nation shall be interested in such damages, and if the parties cannot agree, recourse may be had to the competent local authorities.

Article XIV.

All necessary measures connected with the salvage of vessels of the United States which shall have been wrecked on the coasts of the Netherlands, with their cargoes and all that appertains to such vessels, shall be taken by the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the United States, and reciprocally, the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the Netherlands shall take such necessary measures in the case of the wreck of vessels of their country on the coasts of the United States.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interest of the salvors, if they do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

In the absence of and until the arrival of the Consuls-General, Vice-Consuls-General, Consuls, Vice-Consuls and Consular-Agents, it shall be the duty of the local authorities to take all necessary measures for the preservation of the persons and property on board of the wrecked vessel.

It is understood that the merchandise saved is not to be subjected to any Custom-House charges unless it be intended for consumption in the country where the wreck may have taken place.

Article XV.

In case of death of any citizen of the United States in the Netherlands, or of any subject of the Netherlands in the United States, without having in the country of his decease any known heirs, or testamentary executors by him appointed, or in case of minority of the heirs, there being no guardian, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs, of the circumstances, in order that the necessary information may be immediately forwarded to parties interested.

The said consular officer shall have the right to appear personally or by delegate, in all proceedings on behalf of the absent or minor heirs, or creditors, until they are duly represented.

Article XVI.

The present convention shall not be applicable to colonies of either of the High Contracting Parties, and shall not take effect until the twentieth day after its promulgation in the manner prescribed by the laws of the two countries.

It shall remain in force for five years from the date of the exchange of ratifications.

In case neither of the contracting parties shall have given notice twelve months before the expiration of the said period, of its desire to terminate this convention, it shall remain in force for one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice for its termination.

Article XVII.

The present convention shall be ratified, and the ratifications thereof shall be exchanged at the city of Washington, within six months from the date hereof, and sooner if possible.

In testimony whereof, the respective plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate at Washington, in the English and Dutch languages, on the twenty-third day of May, in the year of Grace, one thousand eight hundred and seventy-eight.

[SEAL.] William Maxwell Evarts.
[SEAL.] R. Von Pestel.

1880.[a]

Extradition Convention.

Concluded May 22, 1880; ratification advised by the Senate June 15, 1880; ratified by the President June 25, 1880; ratifications exchanged June 29, 1880; proclaimed July 30, 1880.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. No retroactive effect.
V. Statute of limitations.
VI. Offenses in country of asylum.
VII. Fugitives claimed by more than one power.
VIII. Nondelivery of citizens.
IX. Expenses.
X. Articles found on fugitives.
XI. Procedure.
XII. Duration; ratification.

The United States of America and His Majesty the King of the Netherlands having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States: William Maxwell Evarts, Secretary of State of the United States, and His Majesty the King of the Netherlands: Jonkheer, Rudolph Alexander August Edward von Pestel, Knight of the Order of the Netherlands Lion, His Majesty's

[a] This convention was superseded by the convention of 1887, page 1266.

Minister Resident in the United States; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles.

Article I.

The United States of America and His Majesty the King of the Netherlands reciprocally engage to deliver up to justice all persons convicted of or charged with any of the crimes or offences enumerated in the following article, committed within the respective jurisdiction of the United States of America, or of the Kingdom of the Netherlands, exclusive of the Colonies thereof, such persons being actually within such jurisdiction when the crime or offence was committed, who shall seek an asylum or shall be found within the jurisdiction of the other, exclusive of the colonies of the Netherlands: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had been there committed.

Article II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes:

1. Murder, comprehending the crimes of assassination, parricide, infanticide and poisoning.
2. The attempt to commit murder.
3. Rape.
4. Arson.
5. Burglary; or the corresponding crime in the Netherlands law under the description of thefts committed in an inhabited house by night, and by breaking in, by climbing, or forcibly.
6. The act of breaking into and entering public offices, or the offices of banks, banking-houses, savings-banks, trust companies, or insurance companies, with intent to commit theft therein; and also the thefts resulting from such act.
7. Robbery; or the corresponding crime punished in the Netherlands law under the description of theft committed with violence or by means of threats.
8. Forgery, or the utterance of forged papers including the forgery or falsification of official acts of the Government or public authority or courts of justice affecting the title or claim to money or property.
9. The counterfeiting, falsifying or altering of money, whether coin or paper, or of bank notes, or instruments of debt created by National, State or Municipal Governments, or coupons thereof, or of seals, stamps, dies or marks of state; or the utterance or circulation of the same.
10. Embezzlement by public officers charged with the custody or receipt of public funds.
11. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, where the offence is subject to punishment by the law of the Netherlands as *abus de confiance*, if extradi-

tion is demanded by the United States, or is subject to punishment as a crime in the United States, if extradition is demanded by the Netherlands.

ARTICLE III.

The provisions of this convention shall not apply to any crime or offence of a political character, nor to acts connected with such crimes or offences; and no person surrendered under the provision hereof shall in any case be tried or punished for a crime or offence of a political character, nor for any act connected therewith, committed previously to his extradition.

ARTICLE IV.

The present Convention shall not apply to any crime or offence committed previous to the exchange of the ratifications hereof; and no person shall be tried or punished after surrender for any crime or offence other than that for which he was surrendered if committed previous to his surrender, unless such crime or offence be one of those enumerated in Article II. hereof, and shall have been committed subsequent to the exchange of ratifications.

ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof when, by lapse of time, he is exempt from prosecution or punishment for the crime or offence for which the surrender is asked, according to the laws of the country from which the extradition is demanded, or when his extradition is asked for the same crime or offence for which he has been tried, convicted or acquitted in that country, or so long as he is under prosecution for the same.

ARTICLE VI.

If a fugitive criminal, whose extradition may be claimed pursuant to the stipulations hereof, be actually under prosecution for a crime or offence in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be terminated, and until such criminal shall be set at liberty in due course of law.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall also be claimed by one or more powers, pursuant to treaty provisions on account of crimes committed within their jurisdiction, such criminal shall be delivered in preference in accordance with that demand which is the earliest in date.

ARTICLE VIII.

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, its own citizens or subjects.

ARTICLE IX.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive criminal, at the time of his arrest, which may be material as evidence in making proof of the crime, shall, so far as practicable according to the laws or practice in the respective countries, be delivered up with his person at the time of surrender. Nevertheless, the rights of third parties, with regard to all such articles, shall be duly respected.

ARTICLE XI.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country, or its seat of government, requisition may be made by consular officers.

When the person whose extradition shall have been asked, shall have been convicted of the crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and accompanied by an attestation of the official character of the judge by the proper authority, shall be furnished.

If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have ben issued, shall be produced, authenticated as above provided, with such other evidence or proof as may be deemed competent in the case.

If, after an examination, it shall be decided, according to the law and evidence, that extradition is due pursuant to this convention, the fugitive shall be surrendered according to the forms of law prescribed in such cases.

ARTICLE XII.

The present convention shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws of the respective countries. After the convention shall so have gone into operation, it shall continue until one of the two parties shall give to the other six months notice of its desire to terminate it.

This convention shall be ratified, and the ratifications shall be exchanged at Washington or the Hague as soon as possible.

In testimony whereof the respective Plenipotentiaries have signed the present convention, in duplicate, and have hereunto affixed their seals.

Done at Washington, in the English and Dutch languages, on the twenty-second day of May in the year of our Lord eighteen hundred and eighty.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] RUDOLPH VON PESTEL.

1883.

Trade-marks.

Exchange of Notes between the Netherlands Legation and the Department of State.

Dated February 10, 1883, and February 16, 1883.

[Translation.]

Legation of the Netherlands,
Washington, February 10, 1883.

Mr. Secretary of State: I have the honor herewith to transmit to Your Excellency a copy of the official edition of the Dutch Law relative to trade-marks, bearing date of May 25, 1880.[a]

The provisions of this law make no distinction between natives of the Netherlands and foreigners, so that citizens of the United States of America receive the same usage in the Netherlands as my countrymen, as regards everything connected with the registration and protection of their trade-marks.

It consequently seems that, so far as the Netherlands are concerned, the conditions of reciprocity are fulfilled which are established for the registration and protection of foreign trade-marks in the United States of America by the act of Congress approved March 3, 1881, ("Public" No. 72) which allows the registration of trade-marks whose owners reside in foreign countries the laws of which grant the same privilege to citizens of the United States of America.

I have, therefore been instructed by my government to beg Your Excellency to be pleased, if there are no objections, to cause the adoption of the measures necessary in order that subjects of the Netherlands may hereafter avail themselves, in the United States of America, of the Act of Congress to which I have just referred.

Be pleased to accept, Mr. Secretary of State, a renewed assurance of my highest consideration.

G. de Weckherlin.

To His Excellency F. T. Frelinghuysen,
Secretary of State, Washington.

Department of State,
Washington, Feb. 16, 1883.

Mr. G. de Weckherlin,
Etc., etc., etc.

Sir: I have the honor to acknowledge the receipt of your note of the 10th instant, by which you communicate to me the text of the Netherlands law of the 25th of May, 1880, concerning Marks of Trade and Commerce.

I have taken due note of your statement that this law makes no distinction between Netherlanders and foreigners, so that the citizens of the United States are treated in the Low Countries on the same

[a] Its text will be found with the minister's note bound in Netherlands Notes, January 1, 1880, to May 31, 1885, vol. 9.

footing as the natives thereof in all that concerns the registration and protection of their commercial and trade marks. As the enacting clause of the Act of Congress of March 3, 1881 "to authorize the registration of trade marks and protect the same," provides in terms as follows: "That owners of trade-marks used in commerce with foreign nations, or with the Indian tribes, provided such owners shall be domiciled in the United States, or *located in any foreign country* or tribes which by treaty, convention *or law*, afford similar privileges to citizens of the United States, may obtain registration of such trade-marks by complying with" the requirement of that act, and as your declaration establishes the fact that the Netherlands law gives similar privileges to citizens of the United States located in the Low Countries, the fact of entire reciprocity of usage between the two countries in this respect may now be regarded as established and evidenced by the present exchange of diplomatic notes, and as henceforth operative without further formalities between them.

As soon as a translation of the law you communicate to me can be prepared, a copy thereof, with copies of the present correspondence, will be communicated to the Secretary of the Interior, for the governance of the Commissioner of Patents in all that may pertain to the lawful registration of trade-marks by Netherlanders.

Accept, Sir, a renewed assurance of my highest consideration.

FREDK. T. FRELINGHUYSEN.

1887.[a]

EXTRADITION CONVENTION.

Concluded June 2, 1887; ratification advised by the Senate March 26, 1889; ratified by the President April 17, 1889; ratifications exchanged May 31, 1889; proclaimed June 21, 1889.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Political offenses.
IV. Restrictions on trials.
V. Exemptions.
VI. Persons under arrest in country where found.
VII. Persons claimed by two or more powers.
VIII. Nondelivery of citizens.
IX. Expenses.
X. Articles found on fugitives.
XI. Procedure.
XII. Provisional arrest and detention.
XIII. Duration; ratification.

The United States of America and His Majesty the King of the Netherlands having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with, or convicted of, the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a new convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America; Thomas F. Bayard, Secretary of State of the United States, and

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[a] See extradition of 1904, page 1271.

His Majesty the King of the Netherlands; William Ferdinand Henry von Weckherlin, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The United States of America and His Majesty the King of the Netherlands reciprocally engage to deliver up to justice all persons convicted of or charged with any of the crimes or offences enumerated in the following article, committed within the respective jurisdiction of the United States of America, or of the Kingdom of the Netherlands, exclusive of the Colonies thereof, such persons being actually within such jurisdiction when the crime or offence was committed, who shall seek an asylum or shall be found within the jurisdiction of the other, exclusive of the Colonies of the Netherlands: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had been there committed.

Article II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes:

1. Murder, including infanticide; manslaughter.
2. Rape, bigamy, abortion.
3. Arson.
4. Mutiny, and rebellion on shipboard by two or more passengers against the authority of the commander of the ship, or by the crew or part of the crew, against the commander or the ship's officers.
5. Burglary; or the corresponding crime in the Netherlands law under the description of thefts committed in an inhabited house by night, and by breaking in, by climbing, or forcibly.
6. The act of breaking into and entering public offices or the offices of banks, banking-houses, savings-banks, trust companies, or insurance companies, with intent to commit theft therein; and also the thefts resulting from such act.
7. Robbery; or the corresponding crime punished in the Netherlands law under the description of theft committed with violence or by means of threats.
8. Forgery, or the utterance of forged papers including the forgery or falsification of official acts of the Government or public authority or courts of justice affecting the title or claim to money or property.
9. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or coupons thereof, or of banknotes, or the utterance or circulation of the same, or the counterfeiting, falsifying or altering of the seals of State.
10. Embezzlement by public officers.
11. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the offence is subject to punishment by imprisonment by the laws of both countries.

12. Destruction or loss of a vessel on the high seas, or within the jurisdiction of the party asking the extradition, caused intentionally.

13. Kidnapping of minors, defined to be the abduction or detention of a minor for any unlawful end.

14. Obtaining by false devices money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when the crimes or offences are punishable by imprisonment or other corporal punishment by the laws of both countries.

15. Larceny, defined to be the theft of effects, personal property, or money.

16. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.

Extradition shall also be granted for complicity in any of the crimes or offences enumerated in this article, provided that the persons charged with or convicted of such complicity may be punished as accessories with imprisonment of a year or more, by the laws of both countries.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated, when such attempt is punishable with imprisonment of a year or more, by the laws of both contracting parties.

ARTICLE III.

The provisions of this convention shall not apply to any crime or offence of a political character, nor to acts connected with such crimes or offences; and no person surrendered under the provisions hereof shall in any case be tried or punished for a crime or offence of a political character, nor for any act connected therewith, committed previously to his extradition.

ARTICLE IV.

No person shall be tried or punished, after surrender, for any crime or offence other than that for which he was surrendered, if committed previous to his surrender, unless such crime or offence be one of those enumerated in Article II hereof.

ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof when, by lapse of time, he is exempt from prosecution or punishment for the crime or offence for which the surrender is asked, according to the laws of the country from which the extradition is demanded, or when his extradition is asked for the same crime or offence for which he has been tried, convicted or acquitted in that country, or so long as he is under prosecution for the same.

ARTICLE VI.

If the person whose extradition may be claimed pursuant to the stipulations hereof, be actually under prosecution for a crime or offence in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be terminated, and until such criminal shall be set at liberty in due course of law.

ARTICLE VII.

If the person claimed by one of the parties hereto shall also be claimed by one or more powers, pursuant to treaty provisions on account of crimes committed withoin their jurisdiction, such criminal shall be delivered in preference, in accordance with that demand which is the earliest in date.

ARTICLE VIII.

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, its own citizens or subjects.

ARTICLE IX.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the government which has preferred the demand for extradition.

ARTICLE X.

All articles found in the possession of the fugitive criminal at the time of his arrest, which were obtained through the commission of the act of which he is convicted or with which he is charged, or which may be material as evidence in making proof of the crime, shall, so far as practicable according to the laws or practice in the respective countries, be delivered up with his person at the time of surrender. Nevertheless, the rights of third parties, with regard to all such articles, shall be duly respected.

ARTICLE XI.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country, or its seat of government, requisition may be made by consular officers.

When the person whose extradition shall have been asked, shall have been convicted of the crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and accompanied by an attestation of the official character of the judge by the proper authority, shall be furnished.

If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, authenticated as above provided, with such other evidence or proof as may be deemed competent in the case.

If, after an examination, it shall be decided, according to the law and evidence, that extradition is due pursuant to this convention, the fugitive shall be surrendered according to the forms of law prescribed in such cases.

ARTICLE XII.

It shall be lawful for any competent judicial authority of the United States of America, upon production of a certificate issued by the Secretary of State that request has been made by the Government of the Netherlands for the provisional arrest of a person convicted or accused of the commission therein of a crime extraditable under this convention, and upon legal complaint that such crime has been so committed, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender with the documentary proofs hereinbefore prescribed be not made as aforesaid, by the diplomatic agent of the demanding government, or, in his absence, by a consular officer thereof, within forty days from the date of the commitment of the person convicted or accused, the prisoner shall be discharged from custody.

And it shall be lawful for any competent judicial authority of the Netherlands, upon production of a certificate issued by the Minister of Foreign Affairs that request has been made by the government of the United States for the provisional arrest of a person convicted or accused of the commission therein of a crime extraditable under this convention, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender with the documentary proofs hereinbefore prescribed be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by a consular officer thereof, within forty days from the date of the arrest of the person convicted or accused, the prisoner shall be discharged from custody.

ARTICLE XIII.

The present convention shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws of the respective countries. On the same day the convention entered into by the two contracting parties on the 22d day of May, 1880, shall be abrogated and annulled. But the present convention shall be held to apply to crimes enumerated in the former convention and committed prior to its abrogation and annullment. And as to other crimes, the present convention shall not be held to operate retroactively.

After the present convention shall have gone into operation, it shall continue until one of the two parties shall give to the other six months' notice of its desire to terminate it.

This convention shall be ratified, and the ratifications shall be exchanged at Washington or The Hague as soon as possible.

In testimony whereof the respective plenipotentiaries have signed the present convention, in duplicate, and have hereunto affixed their seals.

Done at the City of Washington the second day of June in the year of our Lord, one thousand eight hundred and eighty-seven.

T. F. BAYARD. [SEAL.]
W. F. H. VON WECKHERLIN [SEAL.]

1899.

Copyright.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;" and

Whereas, it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;" and

Whereas satisfactory official assurances have been given that in the Kingdom of the Netherlands and in the Netherlands' possessions the law permits to citizens of the United States of America the benefit of copyright on substantially the same basis as to subjects of the Netherlands:

Now, Therefore, I, William McKinley, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of the Netherlands.

In Testimony Whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twentieth day of November, one thousand eight hundred and ninety-nine and of the independence of the United States the one hundred and twenty-fourth.

[seal.] William McKinley

By the President:

John Hay

Secretary of State.

1904.

Extradition Convention.

Concluded January 18, 1904; ratification advised by Senate January 27, 1904; ratified by the President May 26, 1904; ratifications exchanged May 28, 1904; proclaimed May 31, 1904.

Articles.

I. Convention applicable to possessions and colonies.
II. Extraditable crimes.
III. Procedure.
IV. Amendatory of the treaty of June 2, 1887.
V. Provisional arrest and detention.
VI. Duration; ratification.

The United States of America and Her Majesty the Queen of the Netherlands, having judged it expedient to extend to their respective

island possessions and colonies the Convention for the extradition of criminals, concluded at Washington on June 2, 1887, by means of an additional Convention, have to that end appointed as their plenipotentiaries:

The President of the United States of America: John Hay, Secretary of State of the United States; and

Her Majesty the Queen of the Netherlands: Baron Willem Alexander Frederik Gevers. Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The provisions of the Convention for the extradition of criminals concluded at Washington June 2, 1887, shall be applicable to the island possessions of the United States of America and the colonies of the Netherlands; but, since they are based upon the law of the mother country, only provided that they are compatible with the laws or regulations in force in those island possessions and colonies, and with the observance of the following stipulations:

Article II.

In addition to the persons mentioned in article II of that Convention, those shall also be surrendered who are charged with or have been convicted of the crime of bribery, provided it be an extraditable crime by the laws or regulations in force in the respective island possessions and colonies of the contracting parties, or of the crime of piracy by statute or by the law of nations.

Article III.

Application for the surrender of a criminal may be made directly to the governor or chief magistrate of the island possession or colony in which the criminal has sought refuge, by the governor or chief magistrate of an island possession or colony of the other contracting party, *Provided*, That both island possessions or colonies are situated in Asia or both in America (including the West India Islands); in making such application, the intervention of a consular officer in such a possession or colony may be used, although no modification shall thereby be made in his capacity as a commercial agent. The aforesaid governors or chief magistrates shall have authority either to grant the extradition or to refer the matter for decision to the mother country. In all other cases, application for extradition shall be made through the diplomatic channel.

Article IV.

The beginning of paragraph 2 (in the alternat paragraph 1) of article XII of the Convention of June 2, 1887, shall, as regards the Dutch East Indies, read as follows: "It shall be lawful for any competent authority," etc.

ARTICLE V.

In the cases of direct application for extradition described in article III of the Convention, the certificate mentioned in the second (first in the alternat) paragraph of the same article XII may be given by the governor or the chief magistrate of the Dutch Colony; the certificate mentioned in the first (second in alternat) paragraph of the last named article, by the Chief Magistrate of the North American island possession. The term of preliminary arrest provided for in article XII of the Convention of June 2, 1887, shall for the enforcement of this article, be made sixty days.

ARTICLE VI.

The present additional Convention shall take effect three months after the exchange of the instruments of ratification. It shall remain in force for six months after a declaration to the contrary, made by one of the two Governments. Nevertheless, it shall be considered to have been denounced by the fact of the denunciation of the Convention of June 2, 1887.

It shall be ratified, and the instruments of ratification shall be exchanged as speedily as possible.

In testimony whereof, the respective plenipotentiaries have signed the present convention, in duplicate and have hereunto affixed their seals.

Done at Washington in the English and Dutch languages, on the eighteenth day of January in the year of our Lord nineteen hundred and four.

JOHN HAY. [SEAL.]
GEVERS. [SEAL.]

1905.

PROTECTION OF TRADE-MARKS IN CHINA.

Agreement effected by exchange of notes October 23, 1905.

OCTOBER 23, 1905.

MR. MINISTER AND DEAR COLLEAGUE: The Government of the United States being desirous of reaching an understanding with the Government of the Netherlands for the reciprocal protection against infringement in China by citizens of our respective nations of trade marks duly registered in the United States and the Netherlands, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of the Netherlands which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of the Netherlands in China as regards the protection from infringement of their trade marks duly registered in the Netherlands.

I have the honor to be, My dear Colleague, Your obedient servant,

W. W. ROCKHILL.

His Excellency, Monsieur VAN CITTERS,
etc., etc., etc.

[Translation.]

ROYAL LEGATION OF THE NETHERLANDS,
Peking, China, October 23, 1905.

MR. MINISTER AND DEAR COLLEAGUE: Under date of the 23d of October, 1905, Your Excellency was pleased to inform me by your note numbered 173 that the Government of the United States of America was desirous of reaching an agreement with the Government of the Netherlands concerning the reciprocal protection of trade marks in China. You added that you had been authorized to declare that the American Consular Courts in China had jurisdiction in all matters concerning the infringement of trade marks by persons under the jurisdiction of the United States, and that consequently complaints made by any person subject to the jurisdiction of the Consular Courts of the Netherlands, in China, to an American Consular Court, for the purpose of securing from persons subject to the jurisdiction of the United States protection for trade marks duly registered in the United States of America, would be tried before said courts in First Instance and on appeal by the competent Courts.

In reply to this communication I have the honor to inform Your Excellency that my Government accepts with pleasure the above agreement and has directed me to do so by the present note.

The Minister of Foreign Affairs at The Hague has furthermore authorized me to state on my part that the laws of the Netherlands protect duly registered trade marks regardless of the nationality of the owner, and that, not only when infringements have been committed in the country itself, but when they have been committed in a country subject to exterritoriality, as in China.

Consequently the Consular Courts of the Netherlands in China will take cognizance in First Instance, and the Courts of Justice in Amsterdam and Batavia on Appeal, of any complaints made to them on this subject by persons subject to the jurisdiction of the United States.

I avail myself of this opportunity to add that for the object of putting the above agreement into effect I have written to the Consular Officials of the Netherlands in China, giving them the necessary instructions, and I would be pleased if you would inform me what action you have taken to this end.

I avail myself of this opportunity to renew to Your Excellency the assurances of my high consideration.

A. J. CITTERS.

His Excellency, W. W. ROCKHILL,
etc., etc., etc.

PEKING, *January 22, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: In connection with the notes which I had the honor to exchange with Your Excellency on October 23, 1905, looking to the reciprocal protection from infringement by our respective nationals in China of trade marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "pun-

ishment" by our Consular Courts in China of American citizens who may have infringed in China trade marks the property of persons under the jurisdiction of The Netherlands.

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc. of a trade mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call Your Excellency's attention to the above provision of our law, so that nothing in my note of October 23rd, last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

W. W. ROCKHILL.

To His Excellency A. J. VAN CITTERS,
etc., etc., etc.

1907.[a]

COMMERCIAL AGREEMENT.

Signed May 16, 1907; proclaimed August 12, 1908.

ARTICLES.

I. Concessions by the United States.
II. Concessions by the Netherlands.
III. Concessions by the Netherlands.
IV. Withdrawal of most favored nation treatment.
V. Instructions to the customs officers.
VI. Ratification; duration.

The President of the United States and Her Majesty the Queen of the Netherlands, mutually desiring by means of a Commercial Agreement to facilitate the commercial intercourse between the two countries, have appointed for that purpose their respective plenipotentiaries, namely:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

Her Majesty the Queen of the Netherlands, Jonkheer R. de Marees van Swinderen, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, having exchanged their respective full powers, which were found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed on the part of the United States, pursuant to and in accordance with the provisions of the third section of the Tariff Act of the United States approved July 24, 1897, and in consideration

[a] This agreement will terminate August 7, 1910, on notice given by the United States under provisions of tariff act of 1909.

of the concessions hereinafter made on the part of the Netherlands in favor of the products of the soil and industry of the United States, that brandies, or other spirits manufactured or distilled from grain or other materials, products of the industry of the Netherlands imported into the United States, shall, from and after the date when this Agreement shall be put in force, be subject to the reduced tariff duty provided by said Section 3, namely, one dollar and seventy-five cents per proof gallon.

ARTICLE II.

Reciprocally and in consideration of the preceding concession, the Royal Government of the Netherlands agrees that, during the continuance in force of this Agreement, the duties imposed upon the following named products of the industry of the United States imported into the Netherlands shall not exceed the tariff rates hereinafter specified, viz:

Upon mutton, salt pork, and salted bacon, 0.75 florin per 100 kilograms.

Upon mutton, salt pork, and salted bacon, when smoked or dried, 1 florin per 100 kilograms.

ARTICLE III.

The Royal Government of the Netherlands further guarantees to continue to admit into the Netherlands during the aforesaid period canned meats manufactured in the United States in packages weighing more than four pounds (English) at the rates of duty hitherto levied, namely: one, six, and eight florins per one hundred kilograms, according to quality and the distinctions made in the Tariff of the Netherlands respecting meats, although entitled under strict application of the law to levy upon such canned meats a duty of twenty-five florins per one hundred kilograms.

ARTICLE IV.

It is mutually agreed by the High Contracting Parties that in the event that the Royal Government of the Netherlands shall, at any time during the continuance in force of this Agreement, withdraw from any product of the soil or industry of the United States imported into the Netherlands the benefit of the lowest tariff rates imposed by the Netherlands upon a like product of any other origin, either Party shall thereupon have the right to terminate this Agreement upon giving to the other three months' prior notice of its intention to do so.

ARTICLE V.

It is further agreed on the part of the United States that the instructions to the Customs Officers set forth in the annexed diplomatic note and made a part of the consideration of this Agreement shall go into effect not later than July 1, 1907.

ARTICLE VI.

This Agreement shall be ratified by the Royal Government of the Netherlands as soon as possible, and upon official notice thereof the President of the United States shall issue his proclamation giving full

effect to the provisions of Article I of this Agreement. From and after the date of such proclamation this Agreement shall be in full force and effect, and shall continue in force until one year from the date when either Party shall notify the other of its intention to terminate the same.

Done in duplicate, in the English and Dutch languages, at Washington this 16th day of May, one thousand nine hundred and seven.

ELIHU ROOT [SEAL]
R DE MAREES VAN SWINDEREN [SEAL]

DEPARTMENT OF STATE,
Washington, May 16, 1907.

SIR: Referring to the Commercial Agreement signed this day between the Government of the Netherlands and the Government of the United States, I have the honor to inform you that instructions will be issued to the Customs Officers of the United States to the following effect:—

"Market value as defined by section 19 of the Customs Administrative Act shall be construed to mean the export price whenever goods, wares, and merchandise are sold wholly for export, or sold in the home market only in limited quantities, by reason of which facts there can not be established a market value based upon the sale of such goods, wares, and merchandise in usual wholesale quantities, packed ready for shipment to the United States."

These instructions shall take effect not later than July 1, 1907, and shall remain in force thereafter for the term of the aforesaid Agreement. In pursuance thereof the export price of Maastricht pottery imported into the United States from the Netherlands under the conditions described in your Note of March 23, 1907, shall be accepted by the customs officers of the United States as the true market value of the aforesaid articles of merchandise.

Receive, Mr. Minister, the renewed assurance of my highest consideration.

ELIHU ROOT

JONKHEER R. DE MAREES VAN SWINDEREN,
Minister of the Netherlands.

1908.

ARBITRATION CONVENTION.

Signed at Washington May 2, 1908; ratification advised by the Senate May 6, 1908; ratified by the President, January 8, 1909; ratifications exchanged at Washington March 25, 1909.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.

The Government of the United States of America and Her Majesty the Queen of the Netherlands, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on July 29, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have appointed as their Plenipotentiaries to conclude the following agreement, to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

Her Majesty the Queen of the Netherlands, Mr. W. A. Royaards, Counselor of Legation and Chargé d'Affaires ad interim of the Netherlands at Washington;

Who, after communicating to each other their respective full powers, found in good and due form, have agreed on the following articles:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate, and on the part of the Netherlands they will be subject to the procedure required by the constitutional laws of the Netherlands.

ARTICLE III.

This Convention is concluded for a period of five years, counting from the date of the exchange of ratifications, which shall take place as soon as possible.

Done in duplicate at Washington, in the English and Dutch languages, this second day of May, 1908.

ELIHU ROOT [SEAL]
W. A. ROYAARDS [SEAL]

NICARAGUA.

1867.[a]

Treaty of Friendship Commerce and Navigation.

Concluded June 21, 1867 ratification advised by the Senate January 20, 1868; ratified by the President February 7, 1868; ratifications exchanged June 20, 1868; proclaimed August 13, 1868.

Articles.

I. Amity.
II. Freedom of commerce.
III. Most favored nation.
IV. Discrimination on exports and imports.
V. Discrimination on tonnage duties.
VI. Discrimination duties on vessels.
VII. Reciprocal privileges of citizens in business.
VIII. Reciprocal privileges of citizens.
IX. Intermarriage, travel, etc.
X. Consuls.
XI. Property in war.
XII. Right of residence.
XIII. Refuge and asylum.
XIV. Right of transit between oceans.
XV. Neutrality of route for canal.
XVI. Persons and property on route.
XVII. Protection withdrawn.
XVIII. Right of citizens.
XIX. Dividends.
XX. Duration.
XXI. Ratification.

The United States of America and the Republic of Nicaragua, desiring to maintain and to improve the good understanding and the friendly relations which now happily exist between them, to promote the commerce of their citizens, and to make some mutual arrangement with respect to a communication between the Atlantic and Pacific Oceans by the River San Juan and either or both the lakes of Nicaragua and Managua, or by any other route through the Territories of Nicaragua, have agreed, for this purpose, to conclude a treaty of friendship, commerce, and navigation, and have accordingly named as their respective Plenipotentiaries, that is to say:

The President of the United States, Andrew B. Dickinson, Minister Resident and Extraordinary to Nicaragua; and His Excellency the President of the Republic of Nicaragua, Señor Licenciado Don Tomas Ayon, Minister of Foreign Relations:

Who, after communicating to each other their full powers, found in due and proper form, have agreed upon the following articles:

Article I.

There shall be perpetual amity between the United States and their citizens on the one part, and the Government of the Republic of Nicaragua and its citizens of the other.

[a] This treaty was denounced by Nicaragua, to take effect October 24, 1902.

ARTICLE II.

There shall be between all the territories of the United States and the territories of the Republic of Nicaragua a reciprocal freedom of commerce. The subjects and citizens of the two countries, respectively, shall have full liberty freely and securely to come with their ships and cargoes to all places, ports, and rivers in the territories aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part thereof, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and generally the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, subject always to the laws and statutes of the two countries, respectively. In like manner the respective ships of war and post-office packets of the two countries shall have liberty freely and securely to come to all harbors, rivers, and places to which other foreign ships of war and packets are or may be permitted to come, to enter the same, to anchor, and to remain there and refit, subject always to the laws and statutes of the two countries, respectively.

By the right of entering places, ports, and rivers, mentioned in this article, the privilege of carrying on the coasting trade is not understood; in which trade national vessels only of the country where the trade is carried on are permitted to engage.

ARTICLE III.

It being the intention of the two high contracting parties to bind themselves by the two preceding articles to treat each other on the footing of the most favored nations, it is hereby agreed between them that any favor, privilege, or immunity whatever, in matters of commerce and navigation, which either contracting party has actually granted, or may grant hereafter, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other contracting party; gratuitously, if the concession in favor of that other nation shall have been gratuitous, or in return for a compensation, as nearly as possible of a proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

No higher or other duties shall be imposed on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Nicaragua, and no higher or other duties shall be imposed on the importation into the territories of the Republic of Nicaragua of any article being the growth, produce, or manufacture of the United States, than are or shall be payable upon the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in the Territories of either of the high contracting parties on the exportation of any articles to the Territories of the other than such as are or may be payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed upon the importation or exportation of

any articles the growth, produce, or manufacture of the territories of the United States or the Republic of Nicaragua to or from the said territories of the United States, or to or from the Republic of Nicaragua, which shall not equally extend to all other nations.

ARTICLE V.

No higher or other duties or payments on account of tonnage, of light or harbor dues, or pilotage, of salvage in case of either damage or shipwreck, or on account of any local charges, shall be imposed in any of the ports of Nicaragua on vessels of the United States than those payable by Nicaraguan vessels, nor in any of the ports of the United States on Nicaraguan vessels than shall be payable in the same ports on vessels of the United States.

ARTICLE VI.

The same duties shall be paid on the importation into the territories of the Republic of Nicaragua of any articles being the growth, produce, or manufacture of the territories of the United States, whether such importation shall be made in Nicaraguan vessels or in the vessels of the United States; and the same duties shall be paid on the importation into the territories of the United States of any article being the growth, produce, or manufacture of the Republic of Nicaragua, whether such importation shall be made in Nicaraguan or United States vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the Republic of Nicaragua, of any article, being the growth, produce, or manufacture of the territories of the United States, whether such exportation shall be made in Nicaraguan or United States vessels; and the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles, being the growth, produce, or manufacture of the Republic of Nicaragua to the territories of the United States, whether such exportation shall be made in the vessels of the United States or of Nicaragua.

ARTICLE VII.

All merchants, commanders of ships, and others, citizens of the United States, shall have full liberty in all the territories of the Republic of Nicaragua to manage their own affairs themselves, as permitted by the laws, or to commit them to the management of whomsoever they please, as broker, factor, agent, or interpreter; nor shall they be obliged to employ any other persons in those capacities than those employed by Nicaraguans, nor to pay them any other salary or remuneration than such as is paid in like cases by Nicaraguan citizens; and absolute freedom shall be allowed in all cases to the buyer and seller to bargain and fix the price of any goods, wares, or merchandise imported into or exported from the Republic of Nicaragua as they shall see good, observing the laws and established customs of the country.

The same privileges shall be enjoyed in the territories of the United States by the citizens of the Republic of Nicaragua under the same conditions.

The citizens of the high contracting parties shall reciprocally receive and enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice in said countries, respectively, for the prosecution and defence of their just rights; and they shall be at liberty to employ, in all cases, advocates, attorneys, or agents, of whatsoever description, whom they may think proper; and they shall enjoy, in this respect, the same rights and privileges therein as native citizens.

Article VIII.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates, by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, testament, or any other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country, respectively.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Republic of Nicaragua, in which foreigners shall be entitled to hold or inherit real estate. But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State in which it may be situated, there shall be accorded to the said heir, or other successor, such time as the laws of the State will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the Government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the Minister or Consul, or other Diplomatic Agent of the nation to which the deceased belonged, (or the representative of such Minister or Consul, or other Diplomatic Agent, in case of absence,) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

Article IX.

1. The citizens of the United States residing in Nicaragua, or the citizens of Nicaragua residing in the United States, may intermarry with the natives of the country; hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

2. The citizens of the United States residents in the Republic of Nicaragua, and the citizens of Nicaragua residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea; from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as the citizens of each nation, to pay lawful taxes, municipal and other modes of imposts, and ordinary charges, loans, and contributions in time of peace, (as the citizens of the country are liable,) in just proportion to the property owned.

3. Nor shall the property of either, of any kind, be taken for any public object without full and just compensation to be paid in advance; and

4. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

Article X.

It shall be free for each of the two high contracting parties to appoint Consuls for the protection of trade, to reside in any of the territories of the other party. But before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the high contracting parties may except from the residence of Consuls such particular places as they judge fit to be excepted.

The Diplomatic Agents of Nicaragua and Consuls shall enjoy in the territories of the United States whatever privileges, exemptions, and immunities are or shall be allowed to the agents of the same rank belonging to the most favored nations; and in the like manner the Diplomatic Agents and Consuls of the United States in Nicaragua shall enjoy, according to the strictest reciprocity, whatever privileges, exemptions, and immunities are or may be granted in the Republic of Nicaragua to the Diplomatic Agents and Consuls of the most favored nations.

Article XI.

For the better security of commerce between the citizens of the United States and the citizens of Nicaragua, it is agreed, that if at any time any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either, who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts, and dispose of their property; and a safe-conduct shall be given to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties, who are established in any of the territories of the other, in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in the full enjoyment of liberty and property, so long as they behave peaceably, and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their

own custody, or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies, shall never be confiscated, nor detained, nor sequestered

ARTICLE XII.

The citizens of the United States and the citizens of the Republic of Nicaragua, respectively, residing in any of the territories of the other party, shall enjoy in their houses, persons, and property, the protection of the Government, and shall continue in possession of the guarantees which they now enjoy. They shall not be disturbed, molested, or annoyed in any manner on account of their religious belief, nor in the proper exercise of their religion, agreeably to the system of tolerance established in the territories of the high contracting parties; provided they respect the religion of the nation in which they reside, as well as the constitution, laws, and customs of the country.

Liberty shall also be granted to bury the citizens of either of the two high contracting parties, who may die in the territories aforesaid, in burial-places of their own, which in the same manner may be freely established and maintained; nor shall the funerals or sepulchres of the dead be disturbed in any way or upon any account.

ARTICLE XIII.

Whenever a citizen of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, and given all favor and protection for repairing their vessels, procuring provisions, and placing themselves in all respects in a condition to continue their voyage without obstacle of any kind.

ARTICLE XIV.

The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific Oceans through the territory of that Republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both Republics and their respective citizens; the Republic of Nicaragua, however, reserving its rights of sovereignty over the same.

ARTICLE XV.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the

neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

And the Republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific Oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, bona fide, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua. The United States shall also be at liberty, on giving notice to the Government or authorities of Nicaragua, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said Government or authorities, and without any charges or tolls whatever for their transportation on either of said routes; provided said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the Republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts with any individuals or companies to transport the mails of the United States along the said routes of communication, or along any other routes across the Isthmus, in its discretion, in closed bags, the contents of which may not be intended for distribution within the said Republic, free from the imposition of all taxes or duties by the Government of Nicaragua; but this liberty is not construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight.

Article XVI.

The Republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this from any cause whatever, the Government of the United States may, with the consent, or at the request of the Government of Nicaragua, or of the Minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said Republic are authorized to act for their protection without such consent having been previously obtained.

But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that, in the judgment of the Government of this Republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty.

ARTICLE XVII.

It is understood, however, that the United States, in according protection to such routes of communication, and guaranteeing their neutrality and security, always intend that the protection and guarantee are granted conditionally, and may be withdrawn if the United States should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this treaty, either by making unfair discriminations in favor of the commerce of any country or countries over the commerce of any other country or countries, or by imposing oppressive exactions or unreasonable tolls upon mails, passengers, vessels, goods, wares, merchandise, or other articles. The aforesaid protection and guarantee shall not, however, be withdrawn by the United States without first giving six months' notice to the Republic of Nicaragua.

ARTICLE XVIII.

And it is further agreed and understood that in any grants or contracts which may hereafter be made or entered into by the Government of Nicaragua, having reference to the inter-oceanic routes above referred to, or either of them, the rights and privileges granted by this treaty to the Government and citizens of the United States shall be fully protected and reserved. And if any such grants or contracts now exist, of a valid character, it is further understood that the guarantee and protection of the United States, stipulated in Article XV of this treaty, shall be held inoperative and void until the holders of such grants and contracts shall recognize the concessions made in this treaty to the Government and citizens of the United States with respect to such inter-oceanic routes, or either of them, and shall agree to observe and be governed by these concessions as fully as if they had been embraced in their original grants or contracts; after which recognition and agreement said guarantee and protection shall be in full force; provided that nothing herein contained shall be construed either to affirm or to deny the validity of the said contracts.

ARTICLE XIX.

After ten years from the completion of a railroad, or any other route of communication through the territory of Nicaragua, from the Atlantic to the Pacific Ocean, no company which may have constructed or be in possession of the same shall ever divide, directly

or indirectly, by the issue of new stock, the payment of dividends or otherwise, more than fifteen per cent. per annum, or at that rate, to its stockholders from tolls collected thereupon; but whenever the tolls shall be found to yield a larger profit than this, they shall be reduced to the standard of fifteen per cent. per annum.

Article XX.

The two high contracting parties, desiring to make this treaty as durable as possible, agree that this treaty shall remain in full force for the term of fifteen years from the day of the exchange of the ratifications; and either party shall have the right to notify the other of its intention to terminate, alter, or reform this treaty, at least twelve months before the expiration of the fifteen years; if no such notice be given, then this treaty shall continue binding beyond the said time, and until twelve months shall have elapsed from the day on which one of the parties shall notify the other of its intention to alter, reform, or abrogate this treaty.

Article XXI.

The present treaty shall be ratified, and the ratifications exchanged at the city of Managua, within one year, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the same, and affixed thereto their respective seals.

Done at the city of Managua, this twenty-first day of June, in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.] A. B. Dickinson.
[SEAL.] Tomas Ayon.

1870.[a]

Extradition Convention.

Concluded June 25, 1870; ratification advised by the Senate, with amendments, March 31, 1871; ratified by the President April 11, 1871; ratifications exchanged June 24, 1871; proclaimed September 19, 1871.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Offenses in country of asylum.
V. Procedure.
VI. Expenses.
VII. Duration; ratification.

The United States of America and the Republic of Nicaragua, having judged it expedient, with a view to the better administration of justice, and to prevention of crimes within their respective territories and jurisdiction, that persons convicted of, or charged with the crimes hereinafter mentioned, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up,

[a] This treaty was denounced by Nicaragua to take effect April 24, 1902. See extradition, 1905, page 1292.

have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States, Charles N. Riotte, a citizen and Minister Resident of the United States in Nicaragua, the President of the Republic of Nicaragua, Mister Tomas Ayon, Minister for For[eign] Relations;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, viz:

Article I.

The Government of the United States and the Government of Nicaragua mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

Article II.

Persons shall be delivered up, who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning.

2. The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

3. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence, or putting him in fear.

4. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

5. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations, and in general of all titles of instruments of credit, the counterfeiting of seals, dies, stamps, and marks of State and public administrations, and the utterance thereof.

6. The embezzlement of public moneys, committed within the jurisdiction of either party, by public officers or depositors.

7. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subjected to infamous punishment.

Article III.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for

the crimes enumerated in the preceding article, shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

Article IV.

If the person, whose surrender may be claimed pursuant to the stipulations of the present treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

Article V.

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Nicaragua, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States, or the proper executive authority in Nicaragua, may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examining the question of extradition. If it should then be decided that, according to law and evidence, the extradition is due pursuant to this treaty, the fugitive may be given up according to the forms prescribed in such cases.

Article VI.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the Government in whose name the requisition shall have been made.

Article VII.

This convention shall continue in force during five (5) years from the day of exchange of ratifications; but if neither party shall have given to the other six (6) months previous notice of its intention to terminate the same, the convention shall remain in force five (5) years longer, and so on.

The present convention shall be ratified and the ratifications exchanged at the capital of Nicaragua, or any other place temporarily occupied by the Nicaraguan Government, within twelve (12) months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at the city of Managua, capital of the Republic of Nicaragua, the twenty-fifth day of June, one thousand eight hundred and seventy, of the Independence of the United States the ninety-fourth, and of the Independence of Nicaragua the fifty-ninth.

[SEAL.] CHARLES N. RIOTTE.
[SEAL.] TOMAS AYON.

1900.

PROTOCOL WITH NICARAGUA FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL.

Concluded December 1, 1900.

It is agreed between the two Governments that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Nicaragua as may be desirable and necessary on which to construct and protect a canal of depth and capacity sufficient for the passage of vessels of the greatest tonnage and draft now in use, from a point near San Juan del Norte on the Caribbean Sea, via Lake Nicaragua to Brito on the Pacific Ocean, they mutually engage to enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control of the proposed canal.

As preliminary to such future negotiations it is forthwith agreed that the course of said canal and the terminals thereof shall be the same that were stated in a treaty signed by the plenipotentiaries of the United States and Great Britain on February 5, 1900, and now pending in the Senate of the United States for confirmation, and that the provisions of the same shall be adhered to by the United States and Nicaragua.

In witness whereof, the undersigned have signed this protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this first day of December, 1900.

JOHN HAY [SEAL.]
LUIS F. COREA [SEAL.]

1900.

PROTOCOL OF AN AGREEMENT FOR THE ARBITRATION OF THE AMOUNT OF DAMAGES TO BE AWARDED ORR AND LAUBENHEIMER AND THE POST-GLOVER ELECTRIC COMPANY.

Signed March 22, 1900.

Protocol of an agreement between the United States and Nicaragua for the arbitration of the amount of damages to be awarded Orr and Laubenheimer and the Post-Glover Electric Company, signed at Washington March 22, 1900.

The United States of America and the Republic of Nicaragua, through their respresentatives, John Hay, Secretary of State of the United States of America, and Luis F. Corea, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, have agreed upon and signed the following protocol:

Whereas, the said Orr and Laubenheimer, citizens of the United States of America, have claimed, through the Government of the United States from the Government of Nicaragua, indemnity on account of damages sustained through the alleged seizure and detention by Nicaraguan authorities of said Orr and Laubenheimer's steam launches "the Buena Ventura" and "the Alerta;" and

Whereas, the said Post-Glover Electric Company, a citizen of the United States of America, has claimed through the Government of the United States from the Government of Nicaragua indemnity on account of the alleged seizure at Bluefields of certain goods and chattels of the Post-Glover Electric Company:

It is agreed between the two Governments:

I.

That the question of the amount of the indemnity in each of said cases shall be referred to General E. P. Alexander, who is hereby appointed as Arbitrator to hear said cases and to determine the respective amounts of said indemnities.

II.

The Government of the United States will lay before the arbitrator and before the Nicaraguam Government a copy of all the correspondence sent, received by and on file in the Department of State in relation to said claims.

III.

The Government of the United States having declined to submit any matter in dispute herein to arbitration, except the amount of indemnity to be awarded in each of said cases, the Government of Nicaragua, as an act of deference to the United States waives its denial of liability in said cases and agrees that said arbitrator may award such sum as he believes said Orr and Laubenheimer and said Post-Glover Electric Company may be justly entitled to; but the award shall not exceed the amount claimed in the memorials filed in the Department of State in each case.

IV.

The said evidence is to be submitted to the Nicaraguan Government and to the arbitrator on or before the first day of May, 1900, who may, if he deems it necessary in the interests of justice, require the production of further evidence and each Government agrees to comply with said request so far as possible; but he shall not for that purpose delay his decision beyond July 1, 1900.

V.

Each Government may furnish to the arbitrator an argument or brief not later than June 1, 1900, but the arbitrator need not for that purpose delay his decision.

VI.

The Government of Nicaragua shall pay the indemnity fixed by the arbitrator, if any, in American gold or its equivalent in silver, at the General Treasury at Managua as soon as the Legislative Assembly of Nicaragua shall authorize the payment; but the time thus allowed shall in no case exceed six months from the day the decision is pronounced, unless an extension of time of its payment should be granted by the Government of the United States.

VII.

Reasonable compensation to the arbitrator is to be paid in equal moieties by both Governments.

VIII.

Any award given by the arbitrator shall be final and conclusive.
Done in Duplicate at Washington this 22d day of March, 1900.

JOHN HAY
LUIS F. COREA.

The arbitrator rendered his award on June 16, 1900, awarding $6,963 to Orr and Laubenheimer, and $1,402.94 to the Post-Glover Electric Company.

1905.

EXTRADITION TREATY.

Concluded March 1, 1905; ratification advised by the Senate March 16, 1905; ratified by the President June 11, 1907; ratifications exchanged June 14, 1907; proclaimed June 15, 1907.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Offense for which to be tried.
IV. Political offenses.
V. Nondelivery of citizens.
VI. Deferring extradition.
VII. Persons claimed by other countries.
VIII. Limitation.
IX. Provisional detention.
X. Procedure.
XI. Expenses.
XII. Property found on fugitive.
XIII. Diligence in procuring extradition.
XIV. Effect; duration; ratification.

The United States of America and the Republic of Nicaragua, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extra-

dition of fugitives from justice between the United States of America and the Republic of Nicaragua, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States; and

The President of Nicaragua, Señor Don Luis F. Corea, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Nicaragua mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offenses specified in the following article committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes or offenses:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning, and infanticide; assault with intent to commit murder; manslaughter, when voluntary.

2. Mayhem and other wilful mutilation causing disability or death.

3. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels, and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.

4. Rape.

5. Bigamy.

6. Arson.

7. Crimes committed at sea:

(a) Piracy, by statute or by the law of nations.

(b) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(c) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

8. Burglary, defined to be the act of breaking and entering into the house of another in the nighttime, with intent to commit a felony therein.

9. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

10. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

11. Forgery, or the utterance of forged papers.

12. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank notes, or other instruments of public credit; of counterfeit seals, stamps, dies, and marks of State or public administration, and the utterance, circulation, or fraudulent use of any of the above mentioned objects.

14. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.

15. Embezzlement or criminal malversation of public funds committed within the jurisdiction of either party by public officers or depositaries, where the amount of money embezzled is not less than two hundred dollars.

16. Embezzlement of funds of a bank of deposit or savings bank, or trust company chartered under Federal or State laws, where the amount of money embezzled is not less than two hundred dollars.

17. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed, and where the amount of money or the value of the property embezzled is not less than two hundred dollars.

18. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them or their families, or for any unlawful end.

19. Obtaining by threats of injury, or by false devices, money, valuables or other personal property, and the receiving of the same with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries, and the amount of money or the value of the property so obtained is not less than two hundred dollars.

20. Larceny, defined to be the theft of effects, personal property, horses, cattle, or live stock, or money, of the value of twenty-five dollars or more, or receiving stolen property, of that value, knowing it to be stolen.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

22. Perjury; violation of an affirmation or a promise to state the truth, when required by law; subornation to commit said crimes.

23. Bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

24. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above enumerated, when such attempt is punishable as a felony by the laws of both contracting parties.

ARTICLE III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned. He shall moreover not be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article XI of this convention.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless, such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in Article II shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition, or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this convention, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE VI.

If the person whose surrender may be claimed, pursuant to the stipulations of the present convention, shall have been accused or arrested for the commission of any offense in the country where he or she has sought asylum, or shall have been convicted thereof, his or her extradition may be deferred until he or she is entitled to be liberated on account of the offense charged, for any of the following reasons: acquittal; expiration of term of imprisonment; expiration of the period to which the sentence may have been commuted, or pardon.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers, pursuant to treaty provisions on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered up in preference in accordance with that demand which is the earliest in date, unless the State from which extradition is sought is bound to give preference otherwise.

ARTICLE VIII.

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE IX.

On being informed by telegraph or otherwise, through the diplomatic channel, that a warrant has been issued by competent authority for the arrest of a fugitive criminal charged with any of the crimes enumerated in the foregoing articles of this treaty, and on being assured from the same source that a requisition for the surrender of such criminal is about to be made, accompanied by such warrant and duly authenticated depositions or copies thereof in support of the charge, each government shall endeavor to procure the provisional arrest of such criminal and to keep him in safe custody for such time as may be practicable, not exceeding sixty days, to await the production of the documents upon which the claim for extradition is founded.

ARTICLE X.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he has been convicted, authenticated under its seal, with attestation of the official character of the judge, by the proper executive authority, and of the latter by the minister or consul of the United States or of Nicaragua, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions upon which such warrant has been issued, must accompany the requisition as aforesaid.

ARTICLE XI.

The expenses of the arrest, detention, examination and delivery of fugitives under this convention shall be borne by the State in whose

name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expenses for the services of such officers of the government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officials as receive only fees shall not exceed the fees to which such officials are entitled under the laws of the country for services rendered in ordinary criminal proceedings.

ARTICLE XII.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, and that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XIII.

Each of the contracting parties shall exercise due diligence in procuring the extradition and prosecution of its citizens who may be charged with the commission of any of the crimes or offenses mentioned in Article II, exclusively committed in its territory against the government or any of the citizens of the other contracting party, when the person accused may have taken refuge or be found within the territory of the latter, provided the said crime or offense is one that is punishable, as such, in the territory of the demanding country.

ARTICLE XIV.

The present convention shall take effect thirty days after the exchange of ratifications, and shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate, at the City of Washington, this first day of March, one thousand nine hundred and five.

JOHN HAY [SEAL.]
LUIS F. COREA [SEAL.]

NORTH GERMAN UNION.

(SEE ALSO GERMAN EMPIRE AND PRUSSIA.)

1868.

Naturalization Convention.[a]

Concluded February 22, 1868; ratification advised by the Senate with amendment March 26, 1868; ratified by the President March 30, 1868; ratifications exchanged May 9, 1868; proclaimed May 27, 1868.

Articles.

I. Naturalization recognized.
II. Punishment for offenses prior to naturalization.
III. Extradition.
IV. Renunciation of naturalization.
V. Duration.
VI. Ratification.

The President of the United States of America and His Majesty the King of Prussia in the name of the North German Confederation, led by the wish to regulate the citizenship of those persons who emigrate from the North German Confederation to the United States of America, and from the United States of America to the territory of the North German Confederation, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary from the said States near the King of Prussia and the North German Confederation; and His Majesty the King of Prussia, Bernhard König, Privy Councillor of Legation; who have agreed to and signed the following articles:

Article I.

Citizens of the North German Confederation, who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such.

Reciprocally, citizens of the United States of America who become naturalized citizens of the North German Confederation, and shall have resided uninterruptedly within North Germany five years, shall be held by the United States to be North German citizens, and

[a] Terlinden *v.* Ames (184 U. S., 270).

shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

This article shall apply as well to those already naturalized in either country as those hereafter naturalized.

ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration; saving, always, the limitations established by the laws of his original country.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part and Prussia and other States of Germany on the other part, the sixteenth day of June, one thousand eight hundred and fifty-two, is hereby extended to all the States of the North German Confederation.

ARTICLE IV.

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Prussia, in the name of the North German Confederation; and the ratifications shall be exchanged at Berlin within six months from the date hereof.

In faith whereof, the Plenipotentiaries have signed and sealed this convention.

BERLIN, *the 22d of February, 1868.*

[SEAL.] GEORGE BANCROFT.
[SEAL.] BERNHARD KÖNIG.

NORWAY.[a]

(SEE SWEDEN AND NORWAY; ALSO SWEDEN.)

1893.

Extradition Convention.

Concluded June 7, 1893; ratification advised by the Senate November 1, 1893; ratified by the President November 3, 1893; ratifications exchanged November 8, 1893; proclaimed November 9, 1893.

Articles.

I. Delivery of accused.
II. Extraditable crimes.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitations.
VIII. Prior offenses.
IX. Property seized with fugitives.
X. Persons claimed by other countries.
XI. Expenses.
XII. Duration; ratification.

The United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly rela-

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[a] NOTE FROM THE NORWEGIAN CHARGÉ TO THE SECRETARY OF STATE.

[For. Rel. 1905, p. 873.]

LEGATION OF NORWAY,
Washington, December 7, 1905.

MR. SECRETARY OF STATE: One of the direct consequences of the dissolution of the union between Norway and Sweden is the cessation of any community between the two States as regards the conventions and international agreements jointly concluded by them with one or several other States. If these conventions and agreements could be heretofore considered as involving the joint responsibility of Norway and Sweden for the obligations placed upon each thereby, the Norwegian Government then deems itself from this time responsible only for the obligations in the said joint conventions and agreements which concern Norway. This likewise applies to the international conventions to which Norway and Sweden have jointly adhered. As for the conventions and agreements concluded separately by Sweden during the union and adhered to by Norway the Norwegian Government holds that it can not be considered to be responsible for the fulfillment of obligations thereby placed upon Sweden.

On the other hand, the Norwegian Government is of the opinion that all the conventions and international agreements concluded by Norway with one or several other States, either jointly with Sweden, or separately, or as an adhering party, continue in full force and effect, as heretofore, between Norway and the other contracting party or parties without any change in their provisions being effected by the dissolution of the union.

The Norwegian Government, however, reserves the right to make, after fuller consideration, a further communication as to whether and to what extent there shall be occasion to take up a revision of the texts of existing treaties between Norway and the United States of America.

While bringing the foregoing to your excellency's knowledge, by order of my Government, I avail, etc.

CH. HAUGE.

See also note from Swedish minister to Secretary of State, November 20, 1905, page 1724. See Amendatory Extradition, page 1304.

tions and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Norway, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, W. Q. Gresham, Secretary of State of the United States, and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States,

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Norway mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; manslaughter, when voluntary.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than $200 or Kroner 740.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

(*a*) Piracy, by statute or by the law of nations.

(*b*) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(*c*) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(*d*) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in Norway by imprisonment at hard labor.

Article III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Norway, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

Article IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to a judge or other magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the statutes of the United States.

When, under the provisions of this article, the arrest and detention of a fugitive are desired in the Kingdom of Norway, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evdence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the

state whose demand is first received: Provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; And, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the Convention of March 21, 1860, shall, as between the governments of the United States and of Norway, cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and the Norwegian languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington this seventh day of June, one thousand eight hundred and ninety-three.

WALTER Q. GRESHAM [SEAL.]
J. A. W. GRIP [SEAL.]

1904.

AMENDATORY EXTRADITION TREATY.

Concluded December 10, 1904; ratified and advised by the Senate January 6, 1905; ratified by the President April 1, 1905; ratifications exchanged at Washington April 4, 1905; proclaimed April 6, 1905.

ARTICLES.

I. Amendment to treaty of 1893. | II. Ratification.

Whereas the Kingdom of Norway has enacted a new penal code, taking effect January 1, 1905, by which the penalty of imprisonment at hard labor is abolished, the United States of America and His

Majesty the King of Sweden and Norway have deemed it expedient to conclude a treaty amending in this respect, the treaty of extradition concluded between the same High Contracting Parties on June 7, 1893, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The last paragraph of Article II of the Treaty of Extradition, concluded June 7, 1893, between the United States of America and His Majesty the King of Sweden and Norway, is hereby amended, to take effect on January 1, 1905, by striking out, after the word "Norway," the words "by imprisonment at hard labor," and inserting in their place "by a higher penalty than imprisonment for three months."

The paragraph in question shall then read, as amended:

"Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished in the United States as a felony, and in Norway by a higher penalty than imprisonment for three months."

ARTICLE II.

The ratifications of the present treaty shall be exchanged as soon as possible, and it shall remain in force as long as the Treaty of Extradition hereby amended, and shall be terminable on the same notice.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and Norwegian languages, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, this tenth day of December, one thousand nine hundred and four.

JOHN HAY
J. A. W. GRIP.

1905.

COPYRIGHT.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statues of the United States, relating to copyrights,"

that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory assurances have been given that in Norway the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the citizens of that country:

Now, therefore, I, THEODORE ROOSEVELT, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, is now fulfilled in respect to the subjects of Norway.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this first day of July, in the year of our Lord one thousand nine hundred and five, [SEAL.] and of the Independence of the United States of America the one hundred and twenty-ninth.

THEODORE ROOSEVELT

By the President:
HERBERT H. D. PEIRCE
Acting Secretary of State.

1908.

ARBITRATION CONVENTION.

Signed at Washington, April 4, 1908; ratification advised by the Senate, April 17, 1908; ratified by the President, June 18, 1908; ratifications exchanged at Washington, June 24, 1908; proclaimed, June 29, 1908.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Ratification.
IV. Duration.

The President of the United States of America and His Majesty the King of Norway desiring in pursuance of the principles set forth in articles 15–19 of the Convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899, to enter into negotiations for the conclusion of an Arbitration Convention, have named as their Plenipotentiaries, to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the King of Norway: O. Skybak, His Chargé d'Affaires at Washington;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of July 29, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States by and with the advice and consent of the Senate thereof.

ARTICLE III.

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof; and by His Majesty the King of Norway. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

ARTICLE IV.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, in the English and Norwegian languages this 4th day of April in the year 1908.

ELIHU ROOT [SEAL]
O. SKYBAK [SEAL]

OLDENBURG.

The Duchy of Oldenburg became incorporated in the North German Union 1867.

1847.

Declaration of Accession to the Treaty of Commerce and Navigation with Hanover.

Concluded March 10, 1847; ratifications exchanged at Oldenburg March 10, 1847.

Whereas a treaty of navigation and commerce between the United States of America and His Majesty the King of Hanover was concluded at Hanover on the 10th day of June last, by the Plenipotentiaries of the contracting parties, and was subsequently duly ratified on the part of both Governments;

And whereas by the terms of the twelfth article of the same, "the United States agree to extend all the advantages and privileges contained in the stipulations of the present treaty to one or more of the other States of the Germanic Confederation, which may wish to accede to them, by means of an official exchange of declarations; provided that such State or States shall confer similar favors upon the said United States to those conferred by the Kingdom of Hanover, and observe and be subject to the same conditions, stipulations, and obligations;"

And whereas the Government of His Royal Highness the Grand Duke of Oldenburg has signified its desire to accede to the said treaty, and to all the stipulations and provisions therein contained, so far as the same are or may be applicable to the two countries, and to become a party thereto; that is to say, to all the said stipulations and provisions, excepting only those relating to the Stade and the Weser tolls, in which the Government of Oldenburg has no interest, and over which it has no control:

Now, therefore, the undersigned, Baron W. E. de Beaulieu Marconnay, of the Privy Council of His Royal Highness, and at the head of the Department of Foreign Affairs, on the part of Oldenburg, and A. D. Mann, Special Agent on the part of the United States, invested with full powers to this effect, found in good and due form, have this day signed in duplicate, and have exchanged this declaration of the accession (hereby agreed to on the part of the United States) of His Royal Highness the Grand Duke of Oldenburg, for the Duchy of Oldenburg, to the treaty aforesaid, the effect of which accession and agreement is hereby declared to be to establish the said treaty between the high parties to this declaration as fully and perfectly, to all

intents and purposes, as if all the provisions therein contained, excepting as above excepted, had been recited word for word in a separate treaty, concluded and ratified between them in the ordinary form.

In witness whereof the above-named Plenipotentiaries have hereto affixed their names and seals. Done at Oldenburg this tenth day of March, 1847.

[SEAL.] A. DUDLEY MANN.
[SEAL.] W. E. VON BEAULIEU MARCONNAY.

1853.

DECLARATION OF ACCESSION TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852.

Signed December 30, 1853; proclaimed March 21, 1853.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation, on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to every other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Royal Highness the Grand Duke of Oldenburg hereby declares its accession to the aforesaid treaty of June 16th, 1852, which is, word for word, as follows:

[The original declaration here includes a copy in German of the treaty of June 16, 1852, and of the additional article thereto of November 16, 1852.]

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Grand Duchy of Oldenburg.

In testimony whereof, the Grand Ducal Minister of State of Oldenburg, in the name of His Royal Highness the Grand Duke of Oldenburg, has executed the present declaration of accession, and caused the Ministerial seal to be affixed thereto.

Done at Oldenburg, December thirtieth, one thousand eight hundred and fifty-three.

[SEAL.] VON RÖSSING,
Grand Ducal Minister of State of Oldenburg.

ORANGE FREE STATE.[a]

1871.

Convention of Friendship and Commerce and Extradition.

Concluded December 22, 1871; ratification advised by the Senate April 24, 1872; ratified by the President April 27, 1872; ratifications exchanged August 18, 1873; proclaimed August 23, 1873.

Articles.

I. Equality of treatment.
II. Military service.
III. Personal and property rights.
IV. Disputes respecting property.
V. Consuls.
VI. Discrimination in duties.
VII. Most favored nation.
VIII. Extradition.
IX. Crimes.
X. Surrender.
XI. Expenses.
XII. Political offenses.
XIII. Duration.
XIV. Ratification.

The United States of America and the Orange Free State, equally animated by the desire to draw, more closely the bonds of friendship, which so happily exist between the two republics, as well as to augment, by all the means at their disposal the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, commerce and extradition.

For this purpose they have appointed as their plenipotentiaries, to wit: The President of the United States Willard W. Edgcomb, special agent of the United States and their consul at the Cape of Good Hope, and the President of the Orange Free State Friedrich Kaufman Höhne gov. secty., who, after communication of their respective full powers, have agreed to the following articles:

Article I.

The citizens of the United States of America and the citizens of the Orange Free State, shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions of the contracting parties. No pecuniary or other more burdensome condition shall be imposed upon them, than upon the citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

The foregoing privileges, however, shall not extend to the enjoyment of political rights.

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[a] By notification from the Government of Orange Free State this convention was denounced January 4, 1895. (The Orange Free State has been incorporated into the British Empire.)

ARTICLE II.

The citizens of one of the two countries residing or established in the other, shall be free from personal military service; but they shall be liable to the pecuniary or other contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempt from the said service.

No higher impost, under whatever name shall be exacted from the citizens of one of the two countries residing or established in the other, than shall be levied upon citizens of the country, in which they reside, nor any contribution whatever, to which the latter shall not be liable.

In case of war, or of the seizure or occupation of property, for public purposes, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside, with respect to indemnities for damages they may have sustained.

ARTICLE III.

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation or in any other manner, and their heirs, whether by testament or ab intestato, or their successors, being citizens of the other party, shall succeed to the said property or inherit it, and they may take possession thereof, either by themselves or by others acting for them, they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated, shall be liable to pay in a similar case. In the absence of such heir, heirs or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property, there shall be accorded to the said heir or other successor, such term as the laws will permit to sell such property, he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which, in a similar case, would be paid by an inhabitant of the country in which the real estate may be situated.

ARTICLE IV.

Any controversy which may arise among the claimants to the property of a decedent, shall be decided according to the laws and by the judges of the country, in which the property may be situated.

ARTICLE V.

The contracting parties give to each other the privilege of having, each in their respective States, consuls and vice-consuls of their own appointment, who shall enjoy the same privileges as those of the most favored nation.

But before any consul or vice-consul shall act as such, he shall in the ordinary form, be approved by the government of the country in which his functions are to be discharged.

In their private and business transactions consuls and vice-consuls, shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws by a consul or vice-consul, the government from which [he receives] his exequatur may withdraw the same, send him away from the country, or have him punished in conformity with the laws, assigning to the other government, its reason for so doing.

The archives and papers belonging to the consulates, shall be inviolate, and under no pretext whatever, shall any magistrate or other functionary inspect, seize, or in any way interfere with them.

Article VI.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation or transit of the natural or industrial products of the other, than are or shall be payable upon the like articles being the produce of any other country.

Article VII.

Each of the contracting parties hereby engages not to grant any favor in commerce to any nation, which shall not immediately be enjoyed by the other party.

Article VIII.

The United States of America and the Orange Free State, on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other.

Provided, That this shall be done only, when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial, if the crime had been committed in the country where the person so accused, shall be found.

Article IX.

Persons shall be delivered up according to the provisions of this convention, who shall be charged with any of the following crimes, to wit; Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder, rape, forgery or the emission of forged papers, arson, robbery with violence, intim[id]ation or forcible entry of an inhabited house, piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

Article X.

The surrender shall be made by executives of the contracting parties respectively.

ARTICLE XI.

The expense of detention and delivery effected pursuant to the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XII.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals, shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XIII.

The present convention is concluded for the period of ten years, from the day of the exchange of the ratifications, and if one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention, to the other, to arrest the operations of the said convention, it shall continue binding for twelve months longer, and so on from year to year, until the expiration of the twelve months, which will follow a similar declaration, whatever the time at which it will take place.

ARTICLE XIV.

This convention shall be submitted, on both sides to the approval and ratification of the respective competent authorities and the ratifications shall be exchanged at Washington as soon as circumstances shall admit.

In faith whereof, the respective plenipotentiaries have signed the above articles and have thereunto affixed their seals.

Done in quadruplicate at Bloemfonten this 22nd day of December in the year of our Lord, one thousand eight hundred and seventy-one.

[SEAL.] W. W. EDGCOMB.
[SEAL.] F. K. HÖHNE.

1896.[a]

EXTRADITION TREATY.

Concluded October 28, 1896; ratification with amendments by the Senate January 28, 1897; ratified by the President February 21, 1899; ratifications exchanged April 20, 1899; proclaimed April 21, 1899.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Requisition.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitation.
VIII. Offense for which to be tried.
IX. Articles in possession of accused.
X. Accused claimed by other powers.
XI. Expenses.
XII. Effect; ratification; duration.

The Governments of the United States of America and of the Orange Free State, being desirious to confirm their friendly relations

[a] This treaty was terminated by the conquest of the Orange Free State and its incorporation into the British Empire.

and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Orange Free State and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Richard Olney, Secretary of State of the United States, and

The President of the Orange Free State, Charles D. Pierce, Consul General of the Orange Free State in the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of the Orange Free State mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other:

Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in the Orange Free State as manslaughter.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary; also house-breaking or shop-breaking.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, or public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; and receiving money, valuable securities or other property, knowing the same to have been stolen, when such act is made criminal by the laws of both countries and the amount of money or the value of the property stolen or received is not less than two hundred dollars ($200) or forty pounds sterling (£40.); receiving in the Orange Free State a diamond or diamonds, cut or uncut, and of whatever value, knowing the same to have been embezzled, stolen or received.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars ($200) or forty pounds sterling (£40.)

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

(*a.*) Piracy, by the law of nations;

(*b.*) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the Master;

(*c.*) Wrongfully sinking or destroying a vessel at sea, or attempting to do so;

(*d.*) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave-trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this treaty, provided such participation may be punished in the United States as a felony, and in the Orange Free State by imprisonment at hard labor.

Article III.

Requisitions for surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in the Orange Free State, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

Article IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to the judge or other magistrates authorized to issue warrants of arrest in extradition cases, and present a complaint on oath, as provided by the Statutes of the United States.

In the Orange Free State the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced, under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

ARTICLE V.

In no case shall the nationality of the person accused be an impediment to his extradition, under the conditions stipulated by the present Treaty, but neither Government shall be bound to deliver its own citizens for extradition under this Convention; but either shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if it shall be made to appear that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and

in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other Powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided, that the Government from which extradition is sought is not bound by Treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention examination and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought: Provided, that the demanding Government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and, Provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present Treaty shall take effect on the 30th day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it becomes operative however, the extradition articles in the Treaty of December 22, 1871, between the two High Contracting Parties which has been denounced to take effect in January, 1895, shall terminate.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof the respective plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 28th day of October one thousand eight hundred and ninety-six.

RICHARD OLNEY [SEAL.]
CHARLES D. PIERCE. [SEAL.]

OTTOMAN EMPIRE.

(TURKEY.)

1830.[a]

Treaty of Commerce and Navigation.

Concluded May 7, 1830; ratification advised and time for exchange of ratifications extended by the Senate February 1, 1831; ratified by the President February 2, 1831; ratifications exchanged October 5, 1831; proclaimed February 4, 1832.

(The text here printed is a translation from the original treaty, which was in the Turkish language. Differences of opinion as to the true meaning of certain portions have been the subject of diplomatic correspondence without reaching an accord.)

Articles.

I. Trade privileges.
II. Consular officers.
III. Treatment of United States merchants and vessels.
IV. Judicial treatment of United States citizens.
V. Use of United States flag.
VI. War vessels.
VII. Navigation of the Black Sea.
VIII. Ships not to be impressed.
IX. Shipwrecks.
Ratification.

The object of this firm instrument, and the motive of this writing well drawn up, is, that—

No treaty or diplomatic and official convention having heretofore existed between the Sublime Porte, of perpetual duration, and the United States of America, at this time, in consideration of the desire formerly expressed, and of repeated propositions which have lately been renewed by that Power, and in consequence of the wish entertained by the Sublime Porte to testify to the United States of America its sentiments of friendship, we, the undersigned Commissioner, invested with the high office of Chief of the Chancery of State of the Sublime Porte, existing forever, having been permitted by His very Noble Imperial Majesty to negotiate and conclude a treaty, and having thereupon conferred with our friend the Honorable Charles Rhind, who has come to this Imperial Residence furnished with full powers to negotiate, settle, and conclude the articles of a treaty, separately and jointly with the other two Commissioners, Commodore Biddle and David Offley, now at Smyrna, have arranged, agreed upon, and concluded the following articles:

[a] Federal cases: Dainese *v.* Hale (91 U. S., 13; 1 McArthur (D. C.), 86), Dainese *v.* United States (15 Ct. Cls., 64).

ARTICLE I.

Merchants of the Sublime Porte, whether Mussulmans or Rayahs, going and coming in the countries, provinces, and ports of the United States of America, or proceeding from one port to another, or from the ports of the United States to those of other countries, shall pay the same duties and other imposts that are paid by the most favored nations; and they shall not be vexed by the exaction of higher duties; and, in travelling by sea and by land, all the privileges and distinctions observed towards the subjects of other Powers shall serve as a rule, and shall be observed towards the merchants and subjects of the Sublime Porte. In like manner, American merchants who shall come to the well-defended countries and ports of the Sublime Porte shall pay the same duties and other imposts that are paid by merchants of the most favored friendly Powers, and they shall not, in any way, be vexed or molested; on both sides travelling passports shall be granted.

ARTICLE II.

The Sublime Porte may establish Shahbenders (Consuls) in the United States of America, and the United States may appoint their citizens to be Consuls or Vice-Consuls at the commercial places in the dominions of the Sublime Porte where it shall be found needful to superintend the affairs of commerce. These Consuls or Vice-Consuls shall be furnished with berats or firmans; they shall enjoy suitable distinction, and shall have necessary aid and protection.

ARTICLE III.

American merchants established in the well-defended States of the Sublime Porte for purposes of commerce shall have liberty to employ semsars, (brokers,) of any nation or religion, in like manner as merchants of other friendly Powers; and they shall not be disturbed in their affairs, nor shall they be treated, in any way, contrary to established usages. American vessels arriving at or departing from the ports of the Ottoman Empire shall not be subjected to greater visit by the officers of the custom-house and the Chancery of the Port than vessels of the most favored nations.

ARTICLE IV.

If litigations and disputes should arise between subjects of the Sublime Porte and citizens of the United States, the parties shall not be heard, nor shall judgment be pronounced unless the American Dragoman be present. Causes in which the sum may exceed five hundred piastres, shall be submitted to the Sublime Porte, to be decided according to the laws of equity and justice. Citizens of the United States of America, quietly pursuing their commerce, and not being charged or convicted of any crime or offence, shall not be molested; and even when they may have committed some offence they shall not be arrested and put in prison, by the local authorities, but they shall be tried by their Minister or Consul, and punished according to their offence, following, in this respect, the usage observed towards other Franks.

ARTICLE V.

American merchant vessels that trade to the dominions of the Sublime Porte, may go and come in perfect safety with their own flag; but they shall not take the flag of any other Power, nor shall they grant their flag to the vessels of other nations and Powers, nor to vessels of rayahs. The Minister, Consuls, and Vice-Consuls of the United States shall not protect, secretly or publicly, the rayahs of the Sublime Porte, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

ARTICLE VI.

Vessels of war of the two contracting parties, shall observe towards each other, demonstrations of friendship and good intelligence, according to naval usage; and towards merchant vessels they shall exhibit the same kind and courteous manner.

ARTICLE VII.

Merchant vessels of the United States, in like manner as vessels of the most favored nations, shall have liberty to pass the Canal of the Imperial Residence, and go and come in the Black Sea, either laden or in ballast; and they may be laden with the produce, manufactures, and effects of the Ottoman Empire, excepting such as are prohibited, as well as of their own country.

ARTICLE VIII.

Merchant vessels of the two contracting Parties shall not be forcibly taken, for the shipment of troops, munitions and other objects of war, if the captains or proprietors of the vessels, shall be unwilling to freight them.

ARTICLE IX.

If any merchant vessel of either of the contracting parties should be wrecked, assistance and protection shall be afforded to those of the crew that may be saved; and the merchandise and effects, which it may be possible to save and recover, shall be conveyed to the Consul nearest to the place of the wreck, to be, by him, delivered to the proprietors.

CONCLUSION.

The foregoing articles, agreed upon and concluded between the Riasset (Chancery of State,) and the above-mentioned Commissioner of the United States, when signed by the other two commissioners, shall be exchanged. In ten months from the date of this temessuck, or instrument of treaty, the exchange of the ratifications of the two Powers shall be made, and the articles of this treaty shall have full force and be strictly observed by the two contracting Powers.

Given the 14th day of the moon Zilcaade, and in the year of the Hegira 1245, corresponding with the 7th day of May, of the year 1830 of the Christian æra.

MOHAMMED HAMED,
Reis-ul-Kutab, (*Reis Effendi.*)

1862.[a]

Treaty of Commerce and Navigation.

Concluded February 25, 1862; ratification advised by the Senate April 9, 1862; ratified by the President April 18, 1862; ratifications exchanged June 5, 1862; proclaimed July 2, 1862.

Articles.

I. Former treaties confirmed.
II. Privilege of citizens to purchase goods.
III. Duties on goods.
IV. Export duties.
V. Import duties.
VI. Articles for Moldo-Wallachie or Servia.
VII. Warehousing, etc.
VIII. Nationality of vessels.
IX. Tonnage duties, etc.
X. Proof of nationality of vessels.
XI. Charges upon goods of United States.
XII. Transit duty.
XIII. Taxes.
XIV. Tobacco and salt.
XV. Gunpowder and arms.
XVI. Firmans.
XVII. Manifests.
XVIII. Contraband.
XIX. Turkish vessels.
XX. Substitute for convention of 1838.
XXI. Construction of treaty.
XXII. Tariff.
XXIII. Ratification.

The United States of America, on the one part, and His Imperial Majesty the Sultan of the Ottoman Empire, on the other part, being equally animated by the desire of extending the commercial relations between their respective countries, have agreed, for this purpose, to conclude a treaty of commerce and navigation, and have named as their respective Plenipotentiaries, that is to say:

The President of the United States of America, Edward Joy Morris, Minister Resident of the Sublime Porte; and His Imperial Majesty the Sultan of the Ottoman Empire, His Highness Mehemed Emin Aali Pacha, Minister of Foreign Affairs, decorated with the Imperial Orders of the Othmanieh in Brilliants, the Majidieh, and Order of Merit of the first class, and the Grand Crosses of several foreign orders;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

Article I.

All rights, privileges, and immunities, which have been conferred on the citizens or vessels of the United States of America by the treaty already existing between the United States of America and the Ottoman Empire, are confirmed, now and forever, with the exception of those clauses of the said treaty which it is the object of the present treaty to modify; and it is moreover expressly stipulated that all rights, privileges, or immunities, which the Sublime Porte now grants, or may hereafter grant to, or suffer to be enjoyed by the subjects, ships, commerce, or navigation of any other foreign Power, shall be equally granted to and exercised and enjoyed by the citizens, vessels, commerce, and navigation of the United States of America.

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[a] This treaty is contended to have been abrogated upon notice given by the Turkish Government to date from June 5, 1884. Dianese *v.* Hale (91 U. S., 13; 1 McArthur (D. C.), 86).

ARTICLE II.

The citizens of the United States of America, or their agents, shall be permitted to purchase, at all places in the Ottoman Empire and its possessions, (whether for the purposes of internal trade or exportation,) all articles, without any exception whatsoever, the produce or manufacture of the said Empire and possessions; and the Sublime Porte having, in virtue of the second article of the convention of commerce of the 16th of August, 1838, with Great Britain, formally engaged to abolish all monopolies of agricultural produce, or of every other article whatsoever, as well as all "permits" (*tezkerehs*) from the local Governors, either for the purchase of any article or for its removal from one place to another when purchased, any attempt to compel the citizens of the United States of America to receive such "permits" from the local Governors shall be considered as an infraction of this treaty, and the Sublime Porte shall immediately punish with severity any Viziers or other officers who shall have been guilty of such misconduct, and shall render full justice to citizens of the United States of America for all losses or injuries which they may duly prove themselves to have suffered thereby.

ARTICLE III.

If any articles of Ottoman produce or manufacture be purchased by citizens of the United States of America, or their agents, for the purpose of selling the same for internal consumption in Turkey, the said citizens, or their agents, shall pay at the purchase and sale of such articles, and in any manner of trade therein, the same duties that are paid in similar circumstances by the most favored class of Ottoman subjects, or of foreigners in the internal trade of the Ottoman Empire.

ARTICLE IV.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the contracting parties, on the exportation of any article to the dominions and possessions of the other, than such as are or may be payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two contracting Powers to the dominions and possessions of the other, which shall not equally extend to the exportation of the like article to any other country.

No charge or duty whatsoever will be demanded on any article of Ottoman produce or manufacture purchased by citizens of the United States of America, or their agents, either at the place where such article is purchased, or in its transit from that place to the place whence it is exported, at which it will be subject to an export duty not exceeding eight per cent., calculated on the value at the place of shipment, and payable on exportation; and all articles which shall once have paid this duty shall not again be liable to the same duty, however they may have changed hands within any part of the Ottoman Empire.

It is furthermore agreed that the duty of eight per cent. above mentioned will be annually reduced by one per cent., until it shall be in this manner finally reduced to a fixed duty of one per cent. ad valorem, destined to cover the general expenses of administration and control.

ARTICLE V.

No other or higher duties shall be imposed on the importation into the United States of America of any article the produce or manufacture of the dominions and possessions of His Imperial Majesty the Sultan, from whatever place arriving, whether by sea or by land; and no other or higher duties shall be imposed on the importation into the dominions and possessions of his Imperial Majesty of any article the produce or manufacture of the United States of America, from whatever place arriving, than are or may be payable on the like article the produce or manufacture of any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article the produce or manufacture of the dominions and possessions of either of the contracting parties into the dominions and possessions of the other, which shall not equally extend to the importation of the like articles being the produce or manufacture of any other country.

His Imperial Majesty further engages that, save as hereinafter excepted, he will not prohibit the importation into his dominions and possessions of any article the produce and manufacture of the United States of America, from whatever place arriving; and that the duties to be imposed on every article the produce or manufacture of the United States of America imported into the Empire and possessions of His Imperial Majesty the Sultan shall in no case exceed one fixed rate of eight per cent. ad valorem, or a specific duty, fixed by common consent, equivalent thereto. Such rate shall be calculated upon the value of such articles at the wharf, and shall be payable at the time of their being landed, if brought by sea, or at the first custom-house they may reach, if brought by land.

If these articles, after having paid the import duty of eight per cent., are sold, either at the place of their arrival or in the interior of the country, neither the buyer nor the seller shall be charged with any further duty in respect to them; and if such articles should not be sold for consumption in the Ottoman Empire, but should be re-exported within the space of six months, the same shall be considered as merchandise in transit by land, and be treated as is stated hereinafter in Article XII of this treaty; the administration of the customs being bound to restore, at the time of their re-exportation, to the merchant, who shall be required to furnish proof that the goods in question have paid the import duty of eight per cent., the difference between that duty and the duty levied on goods in transit by land, as set forth in the article above cited.

ARTICLE VI.

It is understood that any article the produce or manufacture of a foreign country intended for importation into the United Principalities of Moldo-Wallachie, or into the Principality of Servia, which

shall pass through any other part of the Ottoman Empire, will not be liable to the payment of customs-duty until it reaches those Principalities; and, on the other hand, that any article of foreign produce or manufacture passing through those Principalities, but destined for some other part of the Ottoman Empire, will not be liable to the payment of customs-duty until such article reaches the first custom-house under the direct administration of the Sublime Porte.

The same course shall be followed with respect to any article the produce or manufacture of those Principalities, as well as with respect to any article the produce or manufacture of any other portion of the Ottoman Empire, intended for exportation. Such articles will be liable to the payment of customs-duties, the former to the custom-house of the aforesaid Principalities, and the latter to the Ottoman custom-house; the object being that neither import nor export duties shall in any case be payable more than once.

Article VII.

The subjects and citizens of the contracting parties shall enjoy, in the dominions and possessions of the other, equality of treatment with the native subjects or citizens in regard to warehousing, and also in regard to bounties, facilities, and drawbacks.

Article VIII.

All articles which are or may be legally importable into the United States of America, in vessels of the United States, may likewise be imported in Ottoman vessels without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in vessels of the United States; and, reciprocally, all articles which are or may be legally importable into the dominions and possessions of His Imperial Majesty the Sultan in Ottoman vessels, may likewise be imported in vessels of the United States without being liable to any other or higher duties or charges, of whatever denomination, than if such articles were imported in Ottoman vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other country. In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the dominions and possessions of either of the contracting parties, on the exportation of any article which is, or may be, legally exportable therefrom, whether such exportations shall take place in Ottoman or in vessels of the United States, and whatever may be the place of destination, whether a port of either of the contracting parties, or of any third Power.

Article IX.

No duties of tonnage, harbour, pilotage, light-house, quarantine, or other similar or corresponding duties of whatever nature, or under whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations, or

establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country, which shall not equally, and under the same conditions, be imposed, in the like cases, on national vessels in general.

Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE X.

All vessels which, according to the laws of the United States, are to be deemed vessels of the United States, and all vessels which, according to Ottoman laws, are to be deemed Ottoman vessels, shall, for the purposes of this treaty, be deemed vessels of the United States and Ottoman vessels respectively.

ARTICLE XI.

No charge whatsoever shall be made upon goods of the United States, being the produce or manufacture of the United States of America, whether in vessels of the United States or other vessels, nor upon any goods the produce or manufacture of any other foreign country carried in vessels of the United States, when the same shall pass through the Straits of the Dardanelles, or of the Bosphorus, whether such goods shall pass through those straits in the vessels that brought them, or shall have been transhipped to other vessels; or whether, after having been sold for exportation, they shall, for a certain limited time, be landed, in order to be placed in other vessels for the continuance of their voyage. In the latter case, the goods in question shall be deposited at Constantinople, in the magazines of the custom-house, called transit magazines; and &, in any other places where there is no entrepot, they shall be placed under the charge of the administration of the customs.

ARTICLE XII.

The Sublime Porte, desiring to grant, by means of gradual concessions, all facilities in its power to transit by land, it is stipulated and agreed that the duty of three per cent., levied up to this time on articles imported into the Ottoman Empire, in their passage through the Ottoman Empire to other countries, shall be reduced to two per cent., payable as the duty of three per cent. has been paid hitherto, on arriving in the Ottoman dominions; and at the end of eight years, to be reckoned from the day of the exchange of the ratifications of the present treaty, to a fixed and definite tax of one per cent., which shall be levied, as is to be the case with respect to Ottoman produce exported, to defray the expense of registration.

The Sublime Porte, at the same time, declares that it reserves to itself the right to establish, by a special enactment, the measures to be adopted for the prevention of fraud.

ARTICLE XIII.

Citizens of the United States of America, or their agents, trading in goods the produce or manufacture of foreign countries, shall be subject to the same taxes and enjoy the same rights, privileges, and immunities, as foreign subjects dealing in goods the produce or manufacture of their own country.

ARTICLE XIV.

An exception to the stipulations laid down in the fifth article shall be made in regard to tobacco in any shape whatsoever, and also in regard to salt, which two articles shall cease to be included among those which the citizens of the United States of America are permitted to import into the Ottoman dominions.

Citizens of the United States, however, or their agents, buying or selling tobacco or salt for consumption in the Ottoman Empire, shall be subject to the same regulations and shall pay the same duties as the most favored Ottoman subjects trading in the two articles aforesaid; and furthermore, as a compensation for the prohibition of the two articles above-mentioned, no duty whatsoever shall in future be levied on those articles when exported from the Ottoman Empire by citizens of the United States.

Citizens of the United States shall, nevertheless, be bound to declare the quantity of tobacco and salt thus exported to the proper custom-house authorities, who shall, as heretofore, have the right to watch over the export of these articles, without thereby being entitled to levy any tax thereon on any pretence whatsoever.

ARTICLE XV.

It is understood between the two contracting parties that the Sublime Porte reserves to itself the faculty and right of issuing a general prohibition against the importation into the Ottoman Empire of gunpowder, canon, arms of war, or military stores, but such prohibition will not come into operation until it shall have been officially notified, and will apply only to the articles mentioned in the decree enacting the prohibition. Any of these articles which have not been so specifically prohibited shall, on being imported into the Ottoman Empire, be subject to the local regulations, unless the legation of the United States of America shall think fit to apply for a special license, which will in that case be granted, provided no valid objection thereto can be alleged. Gunpowder, in particular, when allowed to be imported, will be liable to the following stipulations:

1. It shall not be sold by citizens of the United States in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in an Ottoman port, on board a vessel of the United States, such vessel shall be anchored at a particular spot, to be designated by the local authorities, and the gunpowder shall thence be conveyed, under the inspection of such authorities, to depots, or fitting places designated by the Government, to which the parties interested shall have access under due regulations.

Fowling-pieces, pistols, and ornamental or fancy weapons, as also small quantities of gunpowder for sporting, reserved for private use, shall not be subject to the stipulations of the present article.

ARTICLE XVI.

The firmans required for merchant-vessels of the United States of America, on passing through the Dardanelles and the Bosphorus, shall always be delivered in such manner as to occasion to such vessels the least possible delay.

ARTICLE XVII.

The captains of merchant-vessels of the United States laden with goods destined for the Ottoman Empire shall be obliged, immediately on their arrival at the port of their destination, to deposit in the custom-house of said port a true copy of their manifest.

ARTICLE XVIII.

Contraband goods will be liable to confiscation by the Ottoman treasury; but a report or *procès verbal* of the alleged act of contraband must, so soon as the said goods are seized by the authorities, be drawn up and communicated to the consular authority of the citizen or subject to whom the goods said to be contraband shall belong; and no goods can be confiscated as contraband unless the fraud with regard to them shall be duly and legally proved.

ARTICLE XIX.

All merchandise the produce or manufacture of the Ottoman dominions and possessions, imported into the United States of America, shall be treated in the same manner as the like merchandise the produce or manufacture of the most favored nation.

All rights, privileges, or immunities, which are now or may hereafter be granted to, or suffered to be enjoyed by, the subjects, vessels, commerce, or navigation of any foreign Power in the United States of America shall be equally granted to, and exercised and enjoyed by, the subjects, vessels, commerce, and navigation of the Sublime Porte.

ARTICLE XX.

The present treaty, when ratified, shall be substituted for the commercial convention of the 16th of August, 1838, between the Sublime Porte and Great Britain, on the footing of which the commerce of the United States of America has been heretofore placed, and shall continue in force for 28 years from the day of the exchange of the ratifications; and each of the two contracting parties being, however, at liberty to give to the other, at the end of 14 years, (that time being fixed, as the provisions of this treaty will then have come into full force,) notice for its revision, or for its determination at the expiration of a year from the date of that notice, and so again at the end of 21 years.

The present treaty shall receive its execution in all and every one of the provinces of the Ottoman Empire; that is to say, in all the possessions of His Imperial Majesty the Sultan, situated in Europe or in Asia, in Egypt, and in the other parts of Africa belonging to the Sublime Porte, in Servia, and in the United Principalities of Moldavia and Wallachia.

ARTICLE XXI.

It is always understood that the Government of the United States of America does not pretend, by any article in the present treaty, to stipulate for more than the plain and fair construction of the terms

employed, nor to preclude in any manner the Ottoman Government from the exercise of its rights of internal administration where the exercise of these rights does not evidently infringe upon the privileges accorded by ancient treaties, or by the present treaty, to citizens of the United States or their merchandise.

Article XXII.

The high contracting parties have agreed to appoint, jointly, commissioners for the settlement of a tariff of custom-house duties, to be levied in conformity with the stipulations of the present treaty, as well upon merchandise of every description being the produce or manufacture of the United States of America imported into the Ottoman Empire, as upon articles of every description the produce or manufacture of the Ottoman Empire and its possessions, which citizens of the United States or their agents are free to purchase in any part of the Ottoman Empire for exportation to the United States or to any other country. The new tariff, to be so concluded, shall remain in force during seven years, dating from the date of the exchange of the ratifications.

Each of the contracting parties shall have the right, a year before the expiration of that term, to demand the revision of the tariff. But if, during the seventh year, neither the one nor the other of the contracting parties shall avail itself of this right, the tariff then existing shall continue to have the force of law for seven years more, dating from the day of the expiration of the seven preceding years; and the same shall be the case with respect to every successive period of seven years.

Article XXIII.

The present treaty shall be ratified and the ratfiications shall be exchanged at Constantinople in three calendar months, or sooner if possible, and shall be carried into execution when ratified.

Done at Constantinople on the twenty-fifth day of February, eighteen hundred and sixty-two.

[SEAL.] Edward Joy Morris.
[SEAL.] Aali.

[Translation.]

Tariff of Duties on Articles imported into the Ottoman Empire from the United States.

PREAMBLE.

Merchandize, the produce of the soil and industry of the United States of America imported into the Ottoman Empire—except those which are prohibited—by citizens of the United States, as well also, as the merchandize, the produce of the soil and industry of the Ottoman Empire purchased by citizens of the United States or their Agents, in any part of the Empire for exportation, to the United States, or elsewhere, have heretofore, been required to pay Custom House Duties, established in a Tariff based upon the prices at the time.

As however, the Tariff made in the month of January 1847 has, now some time since, expired, its revision delayed by varied causes, is rendered necessary by the stipulations of the new Treaty, and the Commissioners of the Government of the United States, have, in conjunction with those of the Sublime Porte now drawn up the following Tariff:

Tariff of Custom House Duties, on all goods and merchandise, the produce and manufacture of the United States of America, imported into the Ottoman Empire established by the American-Ottoman Commission, February 28th, 1862.

Articles.	Quantities and weights.	Current price of article.		Value of Turkish pound.		Turkish pound of p. 100.		Deduction of 10 per cent.		Real price of article.		Duty.	
		P.	p.	P.	p.	P.	p.	P.	p.	P.	Cent.	P.	Centimes.
Alcohol from 36 to 40 degrees	Oke	10	20	185	.....	5	27	.....	23	5	10	.....	40
Arrowroot	Ad valorem	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bacon	Oke	22	.....	110	20	19	36	1	39	17	90	1	43
Balsam	Ad valorem	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bark	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Beds	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Beef, salted	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Do	Barrel, 1½ to 2 cantars	450	.....	106	.....	424	21	42	18	382	.....	30	56
Beeswax	½ barrel	225	.....	106	.....	212	10	21	10	191	.....	15	28
Biscuit	Ad valorem	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Blacking	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Brandy	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Butter	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Candles:	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Spermacetti	Oke	40	.....	106	20	37	22	3	30	33	80	2	70
Adamantine	do	19	.....	107	.....	17	30	1	31	16	.....	1	28
Mould	do	9	20	107	10	8	35	.....	35	8	.....	.....	64
Cardamons	do	70	.....	107	.....	65	16	6	21	58	90	4	71
Cassia Lignia	do	16	.....	116	.....	13	31	1	15	12	45	.....	99
Cascarilla	do	13	.....	106	.....	12	10	1	10	11	.....	.....	88
Chairs:													
Seats of bamboo cane	Ad valorem	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wooden	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bakling	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cheese	do	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cinnamon	Oke	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clocks	Ad valorem	20	.....	116	.....	17	09	1	28	15	50	1	24
Cloves	Oke	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cochineal	do	7	.....	106	.....	6	24	.....	26	5	95	.....	47
Codfish	Cantar	70	.....	106	.....	66	01	6	24	59	45	4	75
Coffee, West India & Brazil	100 okes	95	.....	106	.....	89	24	8	38	80	70	6	45
Cotton	Ad valorem	970	.....	114	.....	850	35	85	03	766	.....	61	23
Cubebs	Oke	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Dye woods:		17	20	106	20	16	17	1	25	14	80	1	18
Fustic	Ad valorem	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Logwood	Cantar	49	20	128	.....	38	26	3	34	34	80	2	73
Pernambuco	do	600	.....	128	.....	468	30	46	35	421	90	33	75
Santa Martha	do	185	20	128	.....	144	36	14	19	130	45	10	43

Tariff of Custom House Duties, on all goods and merchandise, the produce and manufacture of the United States, etc.—Continued.

Articles.	Quantities and weights.	Current price of article.		Value of Turkish pound.		Turkish pound of p. 100.		Deduction of 10 per cent.		Real price of article.		Duty.	
		P.	p.	P.	p.	P.	p.	P.	p.	P.	Cent.	P.	Centimes.
Flour	Cantar												
Gin	do												
Ginger, black & white	do												
Glassware	do												
Gunny bags & gunny cloth	do												
Hardware	do												
Herrings	Barrel of 600 to 1,000	190		107		177	22	17	30	159	80	12	78
Hides:													
Dry ox & cow	Oke	13	10	106	20	12	17	1	09	11	20		89
Salted	Ad valorem												
India-rubber shoes & boots	do												
Ipecacuanha	Oke	105		132		79	21	7	38	71	60	5	72
Lead, sheets and tubes	Cantar	198	16	106		187	06	18	28	168	45	13	47
Lumber	Ad valorem												
Manufactures of cotton, i. e.:													
Bed-ticking, 27 | 32 inches	Yard	3		106	20	2	32		11	2	55		20
" 35 | 52 "	do	4	20	106	20	4	09		17	3	80		30
Calicoes or domestics	Arshine	23	20	113		20	10	2	01	18	20	1	45
Carpets, fine brussels	Oke	22	20	132		17	01	1	28	15	40	1	23
Grey of every width & quality (grey shirtings or madanpolans excepted).	do	19	36	106	20	18	27	1	34	16	85	1	34
White cloths & other plain white calicoes of every width & quality (white shirtings & madenpolans excepted).	do	28	20	132		21	23	2	06	19	50	1	56
Drills, cotton:													
Dyed	Ad valorem												
White	Piece	121		110	20	109	20	10	38	98	55	7	88
Raven duck, 25 | 27 inches wide	Ad valorem												
36 | 40 yards	Oke	22	29	106	20	21	13	2	05	19	20	1	53
Sail-cloth, hemp	Ad valorem	28	16	106	20	26	26	2	26	24		1	92
Shirtings, maddenpolans of all widths & quality	Oke	57		113	30	50	04	5		45	10	3	60
Grey	do	14		110	20	12	26	1	10	11	40		91
White	Ad valorem												
Molasses	Barrel of 8 to 11 okes					40	29	4	03	36	65	2	93
Nutmegs	Oke	8		128		6	10		25	5	65		45
Oil:													
Castar													
Peppermint													
Paint (oil) prepared & assorted													
Pepper													

Pimento	do	8		128		6	10		25	5	65		45
Pitch	Barrel of 2 to 2½ cantars	50		114	20	43	26	4	14	30	30	2	14
Rice	Ad valorem												
Pork, salted	Barrel of 77 to 88 okes	280		106		264	06	26	16	237	75	19	02
Rosin	Cantar	55		140		39	11	3	36	35	40	2	83
Rum	Gallon of 1,070 drhms	15		185		8	04		32	7	30		58
Sarsaparilla:													
In the root	Oke	37		105		35	09	3	20	31	80	2	54
Prepared	do	68	20	105		65	09	6	20	58	75	4	70
Soap, fine	do	5	20	106		5	07		20	4	70		37
Spirits of turpentine	do	7		114		6	05		24	5	55		44
Staves	Ad valorem												
Sugar:													
Refined in loaf	Cantar	337	20	106		318	15	31	33	286	55	22	92
Crushed	do	258	23	106		244	03	24	16	229	70	17	57
Muscovado, all sorts	do	210		114		184	08	18	15	165	80	13	26
Tacks	Ad valorem												
Tea	Oke	50		113	30	43	38	4	15	39	90	3	19
Vanilla	Ad valorem												
Whiskey	do												

CONSTANTINOPLE, *February 28, 1863.*

ARISTAKIS AYARIAN,
Commissioner.

JOHN P. BROWN,
Ex officio.

Approved.

E. JOY MORRIS.

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Tariff—Articles of exportation.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Adze of Gabrova	per 2 boxes of 120 okes	473		37	
Aniseed of Kaissariah	" oke	2	60		20
" " Roumeli	" "	2	30		18
Ankle rings called halhal	" 1000	49	30	3	94
Aprons of Broussa called Souta	" pair	32	20	2	57
" " Hama embroidered in gold	" "	128	60	10	28
" plain	" "	46	70	3	73
Arrach of Mastic	" oke	5	80		46
" called Soma, extracted from grapeskins 16 to 18 carats.	" "	2	90		23
Bags of horse hair, Roumeli and Anatoli	" "	7	80		62
Bamias	ad valorem				
Barley	per kilo	5	40		43
Basketrods	per cartload	361	30	28	90
Basin and Ewer of copper	together	82	70	6	61
Bath Aprons of Broussa (peshtimal)	per pair	16	70	1	33
" " " (akbash peshtimal).	" "	9	80		78
Bath Aprons of Constantinople	" "	10	60		84
" " " of silk ordinary.	" "	19	80	1	58
Bath Aprons of Constantinople (Kurkkalem).	" "	49	60	3	96
Bath Aprons of Gheiva (peshtimal)	" "	9	90		79
Bath Aprons of Gheiva (akbash peshtimal).	per pair	7	90		66
Bath Aprons of Salonica	" "	16	30	1	30
Beads, strung into chaplets from Jerusalem.	" oke	9	80		78
Beans	ad valorem				
Bells	per oke	13	20	1	5
Berries of Angora, Kaissariah, Tokat and Skilip superfine.	" "	4	20		33
Berries of Roumeli of all sorts	" "	1	30		10
" " Skilip Kaissariah and of mountain growth of Anatolia, inferior.	" "	2	90		23
Biscuits of all sorts	ad valorem				
Bits, Bridles, Reins, Cruppers, Stirrup leathers and Girths.	per parcel of 10 pieces	52	50	4	20
Bones (animal)	" quintal	10			80
Boots (black and red)	ad valorem				
" (yellow)	per pair	23	20	1	85
Botargo Fishroe	ad valorem				
Boulamah	"				
Box wood of all sorts of Anatoli and Roumeli.	per quintal	12	60	1	
Bracelets, called halhal	" 1000	49	30	3	94
Braid for cloaks of Roumeli	" oke	26	30	2	10
" " " Volo	" "	39	40	3	15
" silk " "	" "	262	80	21	2
Braid of wool	" "	49	60	3	96
Brass vases	" "	23	20	1	85
Brocade of Gold called Paten	" piece	198	50	15	88
Brooms	" cartload of 2000	1314		105	2
Bundle piece called Bogtcha for tying bundles from Cyprus.	" piece	13	30	1	6
Butter	ad valorem				
Calicoes printed of Constantinople	per piece	16	50	1	32
Canary seed	per k. of Constan: of 20 okes.	19	36	1	54
Candles tallow	ad valorem				
" wax	" "				
Cap of Cloth called Abà	per parcel of 10	10			80
Cap called Fez, of Tunis, large size superfine & inferior.	" " 4	113	30	9	6
Cap called Fez, of Tunis, small size	" " 12	113	30	9	6
" Medjidiè	" " 4	66	70	5	33
" (Kulah) made of felt of Constantinople and Broussa.	" piece	3	30		26
Carpets from Cushak	" oke	25	20	2	1
" called Kilim, without down, large size (Seishané).	" piece	49	30	3	94
small size (Seishané)	" "	26	30	2	10
Carpets for soldiers beds	per piece	13	10	1	4
" turcoman (Kilim)	" "	128	60	10	28
Carobs	ad valorem				
Cheese	" "				
Cherry wild called mehleb	per oke	4	10		32

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Cloak of Cloth, called Abà, superfine 15 rows of braid from Salonica and Zagora.	each	40		3	2
Cloak of Cloth, called Kazan abassi with 7 rows of braid.	"	26	70	2	13
Cloak called Cappa or Kebe of Bosnia	"	26	70	2	13
" " " " Brashol	"	98	50	7	88
" of Goats-wool cloth	"	230		18	40
" " Islimia	"	65	70	5	25
" called mountain cappa	"	29	50	2	36
Cobbler's glue	per oke	3	90		31
Coffee	ad valorem				
Coffee mills	each	16	40	1	31
Coffee-pots of Castambol	per oke	26	30	2	12
Colocynth	ad valorem				
Combs of Box wood	per Caprera of 5,500	246	30	19	70
" " common wood	" "	131	40	10	51
" " Ivory of Constantinople	" oke	123	30	9	86
Copper old	" "	9	30		74
" pigg	ad valorem				
Copper vessels of Castambol & Constantinople.	per oke	26	30	2	12
Copper Tokat	" "	19	70	1	57
" Trebizond	" "	23		1	84
" utensils, second hand	" "	16	50	1	32
Cotton cloth of Alaia—wide	" piece	5	80		46
" " " narrow	" "	4	70		37
" " Castambol (Kemerlik)	" "	5	80		46
" " Constantinople (Idareh)	" "	49	60	3	96
" " "	" " of 12 pikes	13	30	1	6
" " Ghedous wide and narrow.	" Bale of 50 to 55 pieces	411	80	32	94
Cotton cloth of Ghedous called Establick.	" piece	7			56
" " Menemem	" "	9	20		73
" " Merzifoun	" "	16	40	1	31
" Fringe	" oke	33	10	2	64
" Lining of Kaissariah, Sivas and Gallipoli.	ad valorem				
Cotton Lining of Castambol	per Bale of 60 pieces from 18 to 19 pikes each.	450		36	
" " Hamid	per Bale of 60 pieces	443	50	35	48
" " Gheiveh	ad valorem				
" " Tashkeupru	per piece	3	90		31
" stuff of Hamid and Denizli called Aladja and Boghassi coloured.	" oke	14	20	1	13
Cotton stuff of Tokat called Boghassi	" "	6	30		50
" " Magnesia called Aladja	" Bale of 100 pieces	385	70	3	85
" " Tireh and Bourd	" piece	5	20		41
" " of Constantinople called aladjai vefa inferior.	" piece of 9 to 10 pikes	16	50	1	36
Cotton & silk stuff of Aleppo called Aladja.	" piece	38	50	3	7
Cotton and silk of Aleppo & Hama called Kitabi.	" "	29	50	2	36
Cotton and silk stuff of Constantinople called Aladjai vefa superfine.	" piece of 9 to 10 pikes	33	10	2	64
Cotton sewing thread of all colours	per oke	52	90	4	20
" & silk " (Tirei Kazazieh)	" "	19	80	1	58
" Twist Argatch and Boghus	" "	9	70		79
" " Scio	" "	13	19	1	11
" " Smyrna, white and coloured.	" "	13		1	4
" " red	" "	19	70	7	57
" Wool Anatoli Cyprus and Boghus.	" quintal	270		21	60
" " Egypt	ad valorem				
" " Roumelia	per quintal	257	20	20	57
Counterpanes, white and coloured of Tunis, called Batanieh and Thram.	ad valorem				
Crape of Constantinople	per piece	66	20	5	29
Cummin seed	" oke	2			16
Cups of Kentahia	" basket	98	50	7	88
Currants	per quintal	160	70	12	85
Cushions of Bfidgik	" pair	57	90	4	63
" Broussa called Beledi	per pair	19	60	1	56
" Cyprus " Yastik	each	13	30	1	6
" Merzifoun	" pair	26	10	2	8
" Scutari	ad valorem				
Cutlery, knives, penknives, scissors and Adzes of Gabrova.	per 2 boxes of 120 okes	473		37	
Darl	" kilo of Constan	4	50		36

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Drawers of cotton	each	6	60		52
" mixed stuff called meless	per "	23	20	1	85
Dye called Fes Boyassi	ad valorem				
" " Gulbahar	per oke	2			16
Egyptian articles without exception	ad valorem				
Emery stone	" "				
Felt of Ushak called Zeili	" oke	19	40	1	55
Felt rugs from Ismid	each	13	10	1	4
" " Kaissariah	"	16	40	1	31
" " Karahissar white and coloured.	"	12	30		98
from Salonica	"	19	70	1	57
Figs dried	ad valorem				
Fish salted of all sorts	" "				
Fishroe called Botargo	" "				
Fliats	" 2 skins of 120 okes containing 30,000.	492	80	39	42
Frankincense, superfine, both in dust and picked.	ad valorem				
Fringe of cotton	per oke	33	10	2	64
Fur of Beaver	per skin	30		2	40
" " Cat of Anatoli	touloum	33	30	2	66
" black of Roumeli	"	183	30	14	66
" " " feet of Anatoli	"	36	70	2	93
" " " black cat's feet	"	80		6	40
" Cat's, tortoise shell (saz kedissi)	per skin	46	70	3	73
" Fox of Anatoli	" "	8			64
" " " Bosnia	" "	36	70	2	90
" " " Roumeli	" "	18		1	44
" "'s back of Anatoli	touloum	106	70	8	53
" " " " Bosnia and Roumeli Calavros.	per parcel of 20	46	70	3	73
Fur of Fox's back of head of Anatoli called Gilkafa.	touloum	83	30	6	66
Fur of Fox's back of Bosnia	"	266	70	21	33
" " " " Bosnia, calavros, called Gilkafa.	"	166	70	13	33
Fur of Fox's back of Erzeroum (Gilkafa)	"	150		12	
" " " " Ochrida (Gilkafa)	"	400		32	
" " " " Roumeli "	"	233	30	18	66
" " " " Zagora "	per parcel of 20	100		8	
" " belly of Anatoli called Nafé	touloum	83	30	6	66
Fur of Fox's Belly, Bosnia, called Nafé	"	240		19	2
" " " Erzeroum " "	"	150		12	
" " " Ochrida " "	"	400		32	
" " " Roumeli " "	"	166	70	13	33
" " " " Calav. "	"	90	30	7	20
" " " Uskup. "	"	166	70	13	33
" " breast of Anatoli, called kassikli ghenksee.	per pair	21	30	1	70
Fur of Fox's head of Bosnia and Roumeli	touloum	266	70	21	33
" " " of Bosnia	per skin	36	70	2	93
" " throat	" pair	80		6	40
" " skin of Roumeli	" skin	18		1	44
" Goat " " "	touloum	14	70	1	17
" Jackal " Anatoli	per skin	8			64
" " " "	touloum	60		4	80
" Lynx " Erzeroum	per skin	150		12	
" " " Roumelia	ad valorem				
" Marten's skin of Anatoli & Roumeli called Zerdava.	" "				
Fur of Marten's belly called Najfu Zerdava.	" "				
Fur of Marten's head, feet, & small bits	" "				
" Polecat of Anatoli called Sansar	" skin	33	30	2	66
" " Roumeli	ad valorem				
" " head	touloum	233	30	18	66
" " feet of 1st quality	ad valorem				
" " feet of Roumeli	touloum	266	70	21	33
" " small bits	per oke	150		12	
" Skunk called Ghioutchen	ad valorem				
" " feet	" "				
" Rat's skin	" "				
" Weasel—short haired (Tulsiz)	per skin	6	70		53
" of Wolf's skin of Anatoli	touloum	83	30	6	66
" " " "	per skin	14	70	1	17
" " " Roumeli	touloum	76	80	0	13
Galbanum, a gum resin	per oke	7	70		61

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Galls, of all sorts, superfine and ordinary	per quintal	296		23	68
Gauze of Constantinople. See also crape	" piece	66	20	5	29
" called Jehré	each	26	50	2	12
" for sieves called Eleklik	" piece	52	90	4	23
" called Oyabash	each	7	90		63
Gilt silk thread	" miskal	4	30		34
Girths, with bits, bridles, reins, cruppers and martingale.	" parcels of 10	52	50	4	20
Girth, plain	" oke	26	30	2	10
" embroidered in gold wide and narrow.	" parcels of 10	58	50	4	68
Glue	" oke	2	57		20
Goats hair of all sorts called Platoon	ad valorem				
" " or Mohair yarn of Angora	per oke	25	90	2	7
" wool of Angora Koniah, Castambol Guiredeh, and Bei Bazari (Tiftik & Finik).	" "	20	50	1	64
Goats wool Van	" "	10			80
Gold braid	" "	99	30	7	94
" lace of Constantinople	ad valorem				
Gold leaf	per gross	92	50	7	40
" and silver thread	ad valorem				
Gum ammoniac	" "				
" Arabic	per oke	5	20		41
Gun barrels called Harè and Sarma	each	46		3	68
Gut cords	" barrel	15	20	1	21
Halters	" "	16	50	1	33
Halva of all sorts	ad valorem				
Handkerchiefs, called kallemkiars, of Yemen, small and inferior.	each	1	50		12
Handkerchiefs, called kallemkiars, of Yemen, middling.	"	4	60		36
Handkerchiefs, Yemen, large and superfine.	"	6	20		49
Handkerchiefs of Scutari	per piece	27	80	2	22
Heel irons for boots	per oke	6	50		52
Hemp of Ismid	" "	3	30		26
" seed	" "		80		6
" tow of Ismid	" "	2	60		19
" " from Castambol	" "	1	80		14
Hides, dry and salted, large and small, of buffalo and ox.	ad valorem				
Honey	" "				
Horns of buffalo	per 100 pairs	262	80	21	4
" " ox	" " "	230		18	40
" " stag	" oke	4			32
Horse hair thread	" "	7	80		62
" shoes	" 160 pieces	131	40	10	50
" " nails	" oke	19	70	1	57
Indigo, Egyptian	ad valorem				
Ink, liquid	per oke	2	70		21
" dry	" "	9	90		79
Inkstands of brass	ad valorem				
Jackets of Constantinople, called Santa Maria.	each	19	80	1	58
Jackets of Constantinople, called Santa Maria, small.	"	9	90		79
Jackets of inferior aba cloth, called Demir Hoporan, with one and three braids.	"	23	30	1	86
Jackets of goat's wool cloth, called Demir Hoporan, middling quality.	"	33	30	2	68
Knives and pen-knives, scissors and adzes of Gabrova.	per 2 boxes of 120 oke	473		37	84
Kufter, paste of boiled grape-juice	" quintal	160	70	12	85
Lead	ad valorem				
Leather, Morocco, of Heraclea and Balikesri.	per piece	12	50	1	
Leather, Morocco, of Islimia, Chirpan, Carlova, and other places, black and yellow.	"per piece"	6	90		55
Leather, Morocco, Haissariah and Egin	" parcel of 5 pieces	86	50	6	95
" " Roumeli	" piece	13	90	1	11
" " Sparta Konia, Smyrna, Ushak, Shumla, black.	" "	11	10		88
Leather, Morocco, Ushak and Tossia	" parcel of 6 pieces	83	10	6	66
" sheepskins of Anatoli and Roumeli, not dyed.	" piece	3	30		25
Leather, sheepskins of Anatoli, red	" "	5	30		42
" " Constantinople	" "	3	30		26

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Leather, sheepskins sole, buffalo and ox.	per piece	48	20	3	85
" " Aidin	" "	25	70	2	5
" " Gheredé	" "	32	20	2	50
" sole, Constantinople, called Davloun.	" "	30	80	2	46
Leather, sole, Constantinople, called Hafali Etek.	" "	24	70	1	97
Leeches	" oke	190	60	15	64
Leggings of abà, called Kaltchim	" parcel of 10 pairs	66	70	5	33
Lentils	ad valorem				
Linen cloth of Anatoli	per oke	12	80	1	2
" " " Merzifoun	" piece	5	80		46
" " " Rizeh, superfine	" oke	64	30	5	14
" " " " inferior	" "	25	70	2	5
Linseed	per k. of Constan'ple of 20 okes.	18		1	44
Linen thread of Anatoli	per oke	13		1	4
" " " Beibazar	" "	16	20	1	29
" " " Castambol, Gheiveh, and Alaia.	" "	9	70		77
Linen thread called Hamlati Tireh	" "	31	50	2	52
" " Karagialar	" "	19	40	1	55
" " Kebeb and Sourmeneh	" "	16	20	1	29
" " of Markoula	" "	8	40		67
" " Monastir	ad valorem				
" " in skeins	per oke	16	20	1	29
Liquorice paste	ad valorem				
Madder roots from Anatoli	per quintal	197		15	76
" from Cyprus, Syria, and Tripoli in the West.	" "	133	30	10	66
Maize	" kilo of Const'ple	7	20		57
Mastic, a resin	" barrel of 70 okes	3,500		280	
" " picked	" oke	98	50	7	88
" a description of arrack	" "	5	80		46
Mattresses of Cyprus, called Dushek and Shilteh.	each	13	30	1	6
Meerschaum, called Louleih Istifeh	" box	616	50	49	31
Millet	" kilo of Const'ple	4	50		36
Mohair yarn, or spun goat's hair of all sorts.	" oke	25	90	2	7
Muslin of Yeni Capou, called Bosma Hissa	" piece of 20 squares	12	30		98
Muslin called Ustluk for handkerchiefs	" square	2			16
Myrrh, a gum resin	" oke	4	70		37
Nails for horse shoes	" "	19	70	1	57
" of Nicomedia	" "	5	30		42
Napkins of Hama, embroidered in gold and plain.	each	257	20	20	57
Narghileh pipes, called Marpoutch	" parcel	59	60	4	76
Needles of Mudurni	" oke	6	50		52
Nets for fishing	ad valorem				
Nuts—hazel nuts and filberts	per quintal	65	70	5	25
Oats	" kilo	4	10		32
Oil of Olives	" quintal	140		11	20
" Roses	" miskal	11	80		94
Oilcloth for lanterns	" piece	2			16
Olebanum, in dust and picked	ad valorem				
Opiate, imitation of Venetian called Theriack.	per oke	26	50	2	12
Opiate, inferior	" "	13	20	1	66
Opium, Egyptian	ad valorem				
" Harakissar Gheiveh Amassia and Angora, of all descriptions.	per oke	200		16	
Orpiment	" "	3	20		25
Otto of Roses	" miskal	11	80		94
Padlocks of Philippopoli	per parcel of 10	12	85	1	2
Parchment	" piece	3	30		26
Pattens, ornamented of Constantinople	" pair	2	70		21
Peas	ad valorem				
Pepper, red	per oke	4			32
Petmez, boiled grape juice	ad valorem				
Pillows of Biledjik	per pair	38	50	3	72
" " " embroidered in gold	" "	209		16	36
Pistols of Prizren and Calkandelen		29	50	2	
" " superfine	ad valorem				
Pomegranate sirrup	" "				
Pulse	" "				
Quilt covers Castambol	per bale of 60 pieces	566	50	45	32
" " of Constantinople	each	6	60		52
" " Cyprus	"	10			80
" " printed calico, of Tokat	per piece	6	30		50

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Raisins of Aidin and Tireh, black	per quintal	45		3	60
" " Beglerghé	" "	70	70	5	65
" " Carabournow, without stones called Sultani.	" "	231	40	18	51
Raisins of Carabournow and Seuyut, called Rezaki.	" "	193		15	44
Raisins of Cos or Stankioy	" "	128	50	10	28
" " Mandalia and Samos	" "	64	30	5	14
" " V'Oúrla and Chermeh, called yerli without stones.	" "	186	40	14	91
Raisins of V'Oúrla and Aidin, Mentesha Caraoghlan and Tireh (resaki).	" "	160	70	12	85
Rice of Egypt, Philippopoli and Trebizond.	ad valorem				
Rings of metal of Constantinople	per 1,000	66	20	5	29
Rose water	" oke	2			16
Rosin ,yellow	" quintal	32	20	2	57
" white	" "	57	80	4	62
Rugs of Ghedous, Ghiordes, Izladi, Houla, and other places.	ad valorem				
Rye	per kilo	6	30		50
Saddle frames of wood	each	4			32
Safflower of Anatoli	"	10	50		84
" Egypt	ad valorem				
Saffron of Anatoli and Roumeli	" "				
Salammoniac of Egypt	" "				
Salep of Anatoli	per oke	19	30	1	54
" Roumeli	" "	12	90	1	3
Saltpetre and Nitre	ad valorem				
Sauderack	" "				
Sash of Bamri	each	77	20	6	17
" " Caragialar white and coloured	"	10	50		84
" " Hama	"	15	40	1	23
" " Homs	"	39	40	3	15
" called Sherbal of cotton	"	28	90	2	31
" " " silk	"	97	80	7	82
" " Tallah	ad valorem				
" of Tripoli of silk	per oke	262	80	21	2
" " Tunis	each	46	70	3	73
Sausages	ad valorem				
" of walnut	" "				
Scammony	per oke	138		11	4
Scissors of Gabrova	" 2 boxes of 120 okes	473		37	84
Senna of Mekha	ad valorem				
Sesamum	per oke	1	50		12
Shalli of Angora and Soff, wide and narrow.	" piece of 32 pikes	424		33	92
Shalli of Constantinople	" " " 27 "	178	70	14	29
" " Tossia	ad valorem				
Shawl of Caragialar	each	13		1	4
" coloured of Tunis	"	32	60	2	66
" " " for drawers	"	52	20	4	17
Shawl of Tunis called Helati	each	97	80	7	82
" " white	"	26	10	2	8
Sheets, coloured, of Magnesia	per piece	5	80		46
Shirts, of cotton " Constantinople	each	9	90		79
" " gauze (Meles) of Broussa	"	26	30	2	10
" " " Constantinople.	"	29	80	2	38
" of Konia inferior	"	6	50		52
Shoes called Yemeni of Bartin	per pair	14	70	1	17
" " Khafaf native (inner shoes)	" "	7	90		63
" " " worked	ad valorem				
Silk braid of Volo	per oke	262	80	21	2
" Cocoons of Amassia	ad valorem				
" " of the whole Empire except Amassia.	per oke	74	50	5	96
Silk Cocoons with holes and double ones.	ad valorem				
" " called Doubions and Frisous.	" "				
Silk Cocoons called Eghirmeh made of silk husks.	per oke	78	90	6	31
Silk Knubs or Husks	ad valorem				
" spun by European machinery in the whole Empire.	per oke	217	24	17	38
Silk spun mandgilliks	" "	155		12	40
" " of Cyprus, Aidin, Menteshé Scio Candia Sighala Aleppo, Beyrout Sidon & Damascus.	" "	108	50	8	68
Silk Stuff called Hakir Ibrahimiah & Kitabi of the Lebanon.	" piece of 9 to 10 pikes	41	20	3	29

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Silk Stuff of Constantinople called Ibrahimiah.	per piece	57	90	4	63
Silk Stuff of Aleppo called Sivai superfine.	" "	295	60	23	64
Silk Stuff of Aleppo called Sivai inferior	" "	65	70	5	25
" " " " " middling	" "	197	10	15	76
Silk stuff watered, called Ghezi of Sparta and Broussa.	pr piece	118	30	9	46
Silk and cotton stuff, of Damascus, called Aladje Kitabi and Chitari.	" "	70	70	5	65
Silk and cotton stuff, of Constantinople called Bindalli.	" "	99	30	7	94
Silk and cotton stuff, of Constantinople called Chitari Coutouni & Hakir.	" "	66	20	5	29
Silk and cotton stuff, of Aleppo called Coutouni.	" "	53	30	4	26
Silk and cotton stuff, of Brousa called Coutouni.	" "	83	20	6	65
Silk and cotton stuff, of Damascus	" "	66	70	5	33
" " Constantinople called Damghané.	" "	52	90	4	23
Silk and cotton stuff, of Constantinople called Gulmez.	" "	82	70	6	61
Silk and cotton stuff, of Broussa called Hakir.	" "	65	70	5	25
Silk and thread gauze of Broussa called Meles.	" piece of 12 pikes	72	30	5	78
Silk and thread gauze of Constantinople called Meles.	" piece	66	20	5	29
Silk thread of coloured	" oke	246	60	19	72
" " of Constantinople called Kazazih.	" "	308	20	24	65
Silk worm seed of all sorts	" "	450	.....	36	.....
Silver thread of Constantinople	ad valorem	.....	.....	.....	.....
Skins hare of Anatoli	per 100	157	30	12	58
" " Roumelia	" "	94	40	7	55
" lamb and kid	each	3	10	.....	24
" sheep of Angora, white & coloured	ad valorem	.....	.....	.....	.....
" " and goats	each	6	30	.....	50
Smoked meat, smoked and dried	ad valorem	.....	.....	.....	.....
Soap	per quintal	136	50	10	92
Soapwort	" oke	1	90	.....	15
Soks of Volo	" "	88	10	7	4
Soks of Volo coloured	ad valorem	.....	.....	.....	.....
" called Terlik large, of aba	per parcel of 10	26	70	2	13
" " " small	" "	13	30	1	6
" " " ordinary	" pair	4	.....	.....	32
Sopha, assortment of Cyprus (2 covers and 12 cushions).	ad valorem	.....	.....	.....	.....
Sopha, assortment of Cyprus called Tasla and Yastik.	each	13	30	1	6
Sopha, covers and cushions, red, called Thram and Yastik.	per oke	39	40	3	15
Sopha, covers and cushions, of Roumeli white and coloured.	" "	22	50	1	30
Sponges	ad valorem	.....	.....	.....	.....
Spoons of Boxwood, black and wide	per oke	4	90	.....	39
" common wood of all sorts	" "	2	60	.....	26
" " coral and mother of pearl	" "	9	80	.....	78
" dyed called Boyama of wood	" "	6	60	.....	52
Staves	ad valorem	.....	.....	.....	.....
Stirrups of iron	per pair	9	90	.....	79
Stockings of Adrianople and Zagora	" oke	37	80	3	2
" Drama and Salonica	" "	62	90	5	3
" Philippopoli and Bajardjik	per oke	94	40	7	55
" Volo	" "	88	10	7	4
" " and coloured	ad valorem	.....	.....	.....	.....
" of Yourouk ordinary	per oke	18	90	1	51
Sweet meats, jelly and jam	" "	6	60	.....	52
Table covers of Cyprus	per piece	10	.....	.....	80
" " Hama plain and embroidered in gold.	each	357	20	22	57
Tallow	ad valorem	.....	.....	.....	.....
Tinder of wood	per oke	26	30	2	10
" " cork	" "	6	50	.....	52
Timber of all sorts	ad valorem	.....	.....	.....	.....
Tongues dried and salted	" "	.....	.....	.....	.....
Towels, of Broussa, called Siledjik and Havlou large & small.	per oke	33	90	2	71
Towels, of Broussa, called Barma Siledjik.	" pair	9	90	.....	79

Tariff—Articles of exportation—Continued.

Description of merchandise.	Quantities.	Net prices less 10 %.		Rate of Duty 8 %.	
		Piastres.	Cent.	Piastres.	Cent.
Towels, of Constantinople called Barma Siledjik.	each	6	60		52
Towels, of Caraferea called Havlou	per oke	39	40	3	15
" " Cyprus called Siledjik	each	13	30	1	6
" called Akbask Peshtimal & Havlou.	" pair	10	60		84
Towels, of Gheivé called Havlou	" oke	24	60	1	96
" embroidered in tinsel	each	6	60		52
Tragaganth of Bagdad inferior	per oke	3	40		27
" " Bussorah	" "	1	40		11
" middling	" "	9	10		72
" superfine called Yaprak (leaf).	" "	23		1	84
Tragaganth inferior called Mahlout	each	6	50		52
Trowsers of Constantinople, called Karavana dizlik (blue).	"	26	50	2	12
Trowsers with gaiters called Potowo of aba of goat's wool.	each	46	70	3	73
Trowsers embroidered for horseman	"	86	70	6	93
" ordinary and gaiters	"	40		3	20
Turban piece, embroidered of Bagdad called Abanee.	"	64	30	5	14
Turban piece, embroidered of Constantinople called Abanee.	"	9	90		79
Turban piece, plain of Constantinople called Destar.	"	9	90		79
Twine	per oke	9	90		79
Valonia of Aidin Ushak, Ghuedous and other places delivered at Smyrna.	per quintal	45		3	60
Valonia of Aivadgih Ezineh Mitylene Kemer and Dardenelles.	" "	51	40	4	11
Violet earth called Mor Toprak	" oke	4	70		37
Walnuts	" kilo of 100 okes	163		13	4
" Saussage	ad valorem				
Wax of Bees	per oke	18	40	1	47
Weights of Brass	" "	19	80	1	58
" " Copper	" "	16	50	1	32
Wheat per kilo of Constantinople	" "	15	30	1	22
Wine of the whole Ottoman Empire, including common Cyprus.	" "	1	80		74
Wine of Cyprus called Commandaria	ad valorem				
Wool (sheeps) of Anatolia Roumelia & Const'ple unwashed & in lime.	per quintal	192		15	36
Wool (sheeps) of Anatolia Roumelia washed.	" "	234		18	72
Wool Syria Tripoli in the west, Bagdad &c unwashed in lime.	" "	134	50	10	76
Wool Syria Tripoli Bagdad washed	" "	164		13	12
Wool Goat's, of Angora Konia, Castambol, Gheredeh and Beybazari.	" oke	20	50	1	64
Wool Goat's, of Van	" "	10			80
Woolen braid of Constantinople	" "	49	60	3	96
" cloth called abà for military cloaks from Balikesri Bazardgik and Philippopoli.	per piece of 11 pikes	22		1	76
Woolen braid called Abà coloured, of Philippopoli, also called Sivri, Kaya and Kourdon Yaouz.	Per piece of 17 to 19 pikes	43	30	3	46
Woolen called Aba of Goat's wool of Islimia.	" " " 11 "	53	30	4	26
Woolen cloth called Aba of Salonica white & black.	" " " 12 "	30		2	40
Woolen cloth called Aba black of Islimia	per piece of 9 pikes	36	70	2	93
Woollen cloth for leggings called caltchinlik abà of Islimina.	per piece of 3 pikes	23	30	1	86
Woollen cloth called Kebè or Cappa, ordinary, of Zagora for great coats.	" oke	9	90		79
Woollen cloth called Kebè or Cappa, superfine of Zagora for great coats.	" "	26	30	2	10
Woolen cloth called Shayak	" pike	3	30		26
Zarfs of metal of Constantinople	" parcel of 10	19	80	1	58

(Signed) ARISTIDES AZARIAN,
Commissioner.
(") JOHN P. BROWN,
Commissioner Ex Officio.

CONCLUSION.

According to the stipulations of the new Treaty of Commerce all merchandise imported into the Ottoman Empire, excepting such as are prohibited, by merchants of the United States of America, as well as all those exported by them from the country will pay a custom house duty of eight per cent. As, by the new treaty, the duties of the customs are to be assessed on the value of the merchandise at the wharf, the valuations established as a principle, on the wholesale prices of the goods, counting the Yuzluk, or gold Majidieh, at one hundred piastres, they have undergone a diminuation of 10 per cent. so as to reduce them, according to their value at the wharf.

The duties, therefore, of the present tariff, are fixed on the nett value of the merchandise and will be collected as herein stated.

The duty of 8 per cent on exports is only applicable to the first year of the present tariff. They will be reduced $\frac{1}{8}$ for the second—that is, to 7 per cent—$\frac{1}{7}$ for the third—that is to 6 per cent., and so on so that each year they will be diminished one per cent. until the eighth year. At the commencement of the 8th and the following years, the duties will only amount to one per cent, collected as stipulated in said treaty, only for the purpose of covering the expenses of the customs. All articles of export, not designated in the present tariff, or which being therein designated, are left to pay duties *ad valorem* will first be reduced as aforestated, ten per cent. on their current value, and then pay the proper duties on the remaining value—this, however, to be subject to the same annual diminuation of one per cent, as all those articles which have been properly tariffed.

The products of the United States of America imported into the Ottoman Empire, will always continue to pay a duty of eight per cent. Those which have not been designated in the tariff or are left to their *ad valorem* will pay in the same manner 8 per cent after the aforesaid reduction of 10 per cent of their value.

The payment of the import and export duties will be effected in immediate cash payments: that is, the Yuzluk, or gold Majidieh at one hundred piastres ands its subdivisions in gold and silver of pure alloy in due proportion. Five silver Majidiehs to make one gold Majidieh of 100 piastres; and the foreign coins to be at the value which may be fixed for them at the imperial mint.

At the capital merchants are free to pay their duties in the paper currency *Kaimehs* at the highest rate of the Borsa (Exchange) in place of the gold Majidieh of 100 piastres. A bulletin will be procured daily for this purpose, indicating how many piastres of the paper currency will represent a gold Majidieh, and will serve for the day following. It will be suspended in a conspicuous place in the custom house, and the *Kaimeh* currency will be received in payment of duties at the highest rate stated in said bulletin.

Payments in *Kaimehs* calculated on the basis of the gold Majidieh of 100 piastres in the place of money of pure alloy, are, however, restricted entirely to the capital for the present; and if, at a later period, the circulation of this currency be extended to the provinces of the Empire, it will also be received there in payment of the custom house duties in the same manner as has been explained with reference to the capital, that is to say—on the calculation of the number of paper piastres required to make one gold Majidieh of one hundred piastres. In the mean time and in advance of the case, it being impracticable to establish on an uncertain basis, the manner of effecting the payment there in *Kaimehs* it is left for the present, undetermined; so that in case of future need an arrangement may be made between the Sublime Porte and the Legation of the U. S. of America, according to the existing circumstances. Until then, the custom house duties in the provinces will be collected as aforesaid,—viz the Yuzluk, a gold Majidieh for 100 piastres, and its sub divisions in gold and silver of pure alloy in the same proportion, 5 silver Majidiehs to the gold Majidieh of 100 piastres, and all foreign coins at the rates fixed, on this basis by the imperial mint.

In the event of the custom house authorities and the merchants of the United States, not being able to come to an understanding on the value of the merchandize not designated in the tariff, or left *ad valorem* and a dispute arise between them the duties will according to ancient usage, be paid in kind.

The present tariff will remain in force at the custom house of the capital from the 1st March 1278, or March 13, 1862 *à la franka* to the 1 March 1285 or

March 13, 1869. One year previous to the expiration of this term, viz: during the last year, each of the parties will have the right, in consequence of the differences which may probably occur in the value of merchandize to claim a revision of the tariff. But, if this term of one year pass by without any such claim having been put forward by either of them, the tariff will continue to hold good for another period of seven years.

The present tariff has thus been drawn up to this tenor and purpose, by the Commissioners of the U. S. of America and the Sublime Porte and received the sanction of His Imperial Majesty.

Chaban 29—1278.

[L. S.] (Signed by) MEHEMMED KIANY,
For the President of the Commission, H. S. Ismail Pacha, absent.

[L. S.] (Signed by) MEHEMMED KIANY,
For himself.

[L. S.] (Signed by) MEHEMMED KIAMIL.

[L. S.] (Signed by) ENVERY.

[L. S.] (Signed by) EDHEM.

ARISTIDES AZARIAN,
Commissioner, U. S. A.

JOHN P. BROWN, Sec. and Int. (ex officio),
U. S. Legation.

A correct translation.

JOHN P. BROWN.

Approved.

E. JOY MORRIS,
Minister Resident of U. S.

1874.

EXTRADITION TREATY.

Concluded August 11, 1874; ratification advised by the Senate January 20, 1875; ratified by the President January 22, 1875; ratifications exchanged April 22, 1875; proclaimed May 26, 1875.

ARTICLES.

I. Surrender of accused.
II. Extraditable crimes.
III. Political offenses.
IV. Persons under arrest.
V. Procedure.
VI. Expenses.
VII. Nondelivery of citizens.
VIII. Duration; ratification.

The United States of America and His Imperial Majesty the Sultan, having judged it expedient, with a view to the better administration of justice and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

the President of the United States Geo: H. Boker, Minister Resident of the United States of America near the Sublime Porte;

and His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his Minister for Foreign Affairs;

who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ART. I.

The Government of the United States and the Ottoman Government mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ART. II.

Persons shall be delivered up who shall have been convicted of, or be charged, according to the provisions of this convention, with any of the following crimes:

1st. Murder, comprehending the crimes designated by the terms of parricide, assassination, poisoning, and infanticide.

2d. The attempt to commit murder.

3. The crimes of rape, arson, piracy and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the commander, have taken possession of the vessel.

4th. The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money by violence or putting him in fear.

5th. The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

6th. The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, bank-notes, and obligations and in general of all things, being titles and instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administrations and the utterance thereof.

7th. The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.

8th. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ART. III.

The provisions of this treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ART. IV.

If the person whose surrender may be claimed, pursuant to the stipulations of the present treaty, shall have been arrested for the

commission of offenses in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ART. V.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of government, they may be made by superior consular officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official character of the judge by the proper executive authority, and of the latter by the Minister or consul of the United States or of the Sublime Porte, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or [a] of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The President of the United States or the proper executive authority in Turkey may then issue a warrant for the apprehension of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

ART. VI.

The expenses of the arrest, detention, and transportation of the persons claimed shall be paid by the government in whose name the requisition has been made.

ART. VII.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ART. VIII.

This convention shall continue in force during five (5) years from the day of exchange of ratification, but if neither party shall have given to the other six (6) months' previous notice of its intention to terminate the same, the convention shall remain in force five years longer, and so on.

The present convention shall be ratified, and the ratifications exchanged at Constantinople, within twelve (12) months, and sooner, if possible.

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[a] In the French text the word *et* (and) follows the word *commis* (committed).

In witness whereof, the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at Constantinople the eleventh day of August one thousand eight hundred and seventy four.

GEO: H. BOKER.
[SEAL.]
A. AARIFI.
[SEAL.]

1874.

RIGHT TO HOLD REAL ESTATE IN TURKEY.[a]

Protocol proclaimed by the President of the United States October 29, 1874.

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate, granted to foreigners by the law promulgated on the 7th of Sepher 1284, (January 18, 1867) have authorized:—

The President of the United States of America George H. Boker, Minister Resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan His Excellency A. Aarifi Pasha, His Minister of Foreign Affairs, to sign the Protocol which follows:

PROTOCOL.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial Government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority and with the assistance of the magistrate or functionary invested with the necessary powers,—the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the Consul or of the delegate of the Consul of the Power on which the Foreigner depends.

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[a] This protocol, the original of which is in the French language, is printed in this compilation as it states in detail the rights of citizens of the United States in respect to real estate in the Turkish dominions.

By residence we understand the house of inhabitation and its dependencies: that is to say, the out houses, courts, gardens and neighboring enclosures, to the exclusion of all other parts of the property.

In the localities distant by less than nine hours journey from the consular residence, the agents of the public force cannot enter the residence of a foreigner without the assistance of a Consul, as was before said.

On his part the Consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment which he may be informed and the moment of his departure, or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty four hours.

In the localities distant by nine hours or more than nine hours of travel from the residence of the Consular agent, the agents of the public force may on the request of the local authority and with the assistance of three members of the Council of the Elders of the Commune, enter into the residence of a foreigner, without being assisted by the Consular Agent, but only in case of urgency, and for the search and the proof of the crime of murder, of attempt at murder; of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion and of the fabrication of counterfeit money, and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offence, should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the Council of Elders who shall assist him, will be obliged to make out a *procés-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest Consular agent without delay.

A special regulation will be promulgated by the Sublime Porte, to determine the mode of action of the local police in the several cases provided heretofore.

In localities more distant than nine hours' travel from the residence of the Consular agent, in which the law of the judicial organization of the Velayet may be in force, foreigners shall be tried, without the assistance of the Consular delegate by the Council of Elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piastres as for offences entailing a fine of five hundred piastres only at the maximum.

Foreigners shall have, in any case, the right of appeal to the tribunal of the Arrondissement against the judgments issued as above

stated, and the appeal shall be followed and judged with the assistance of the Consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore shall not take place without the coöperation of the Consul or of his delegate.

The Imperial Government will enact a law which shall determine the rules of procedure to be observed by the parties, in the application of the preceding regulations.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the Council of Elders or of the tribunal of the canton without the assistance of the Consul in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the Arrondissement, where the case may be brought and tried with the assistance of the Consul or his delegate.

The consent of a foreigner to be tried as above stated, without the assistance of his Consul, shall always be given in writing and in advance of all procedure.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

The right of defence and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

The preceding dispositions shall remain in force until the revision of the ancient treaties,—a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly Powers.

In witness whereof the respective plenipotentiaries have signed the Protocol and have affixed thereto their seals.

Done at Constantinople the eleventh of August, one thousand eight hundred and seventy four.

[SEAL.] GEO. H. BOKER.
[SEAL.] A. AARIFI.

[Translation.]

Law Conceding to Foreigners the right of holding Real Estate in the Ottoman Empire.

Imperial rescript.

Let it be done in conformity with the contents. 7 Sepher, 1284. (Jan. 18, 1867.)

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete, in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty the Sultan.

ART. I.

Foreigners are admitted, by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding Real Estate whether in the city or the country, throughout the Empire, with the exception of the Province of the Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects, as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

ART. II.

Foreigners, proprietors of Real Estate in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

1° To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation and the hypothecation of landed property.

2° To pay all charges and taxes under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

3° To render them directly amenable to the Ottoman civil tribunals in all questions relating to landlord property, and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold Real Estate by the same title, on the same condition and under the same forms as Ottoman owners and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

ART. III.

In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt, and which by its nature and according to law is sponsible for the debts of the owner.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor, he shall apply to the competent Ottoman authorities, in order to obtain the sale of that real estate which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

ART. IV.

Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

As to that real estate of which they may not have disposed, or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V.

All foreigners shall enjoy the privileges of the present law, as soon as the Powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

PANAMA.

1903.

Convention for the Construction of a Ship Canal.

Concluded November 18, 1903; ratification advised by the Senate February 23, 1904; ratified by President February 25, 1904; ratifications exchanged February 26, 1904; proclaimed February 26, 1904.

Articles.

I. Independence of Panama.
II. Canal zone.
III. Authority in canal zone.
IV. Subsidiary rights.
V. Monopoly for construction, etc.
VI. Private property.
VII. Panama; Colon; harbors.
VIII. Panama Canal Company and railroad.
IX. Ports at entrance of canal.
X. Taxes, etc.
XI. Official dispatches.
XII. Access of employees.
XIII. Importation into zone.
XIV. Compensation.
XV. Joint commission.
XVI. Extradition.
XVII. Ports of Panama.
XVIII. Neutrality rules.
XIX. Free transport.
XX. Cancellation of existing treaties.
XXI. Anterior debts, concessions, etc.
XXII. Renunciation of rights under concessionary contracts.
XXIII. Protection of canal.
XXIV. Change in government, laws, etc.
XXV. Coaling stations.
XXVI. Ratification.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries,—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article I.

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II.

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

ARTICLE III.

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

ARTICLE IV.

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

ARTICLE V.

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific ocean.

ARTICLE VI.

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any Article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said Canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ARTICLE VII.

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the Canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII.

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the Canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ARTICLE IX.

The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent

contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for other works pertaining to the Canal.

ARTICLE X.

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

ARTICLE XI.

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII.

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the Canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said Canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ARTICLE XIII.

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV.

As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV.

The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments who shall render the decision. In the event of the death, absence, or incapacity of a Commissioner or Umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the umpire shall be final.

ARTICLE XVI.

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII.

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII.

The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided

for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE XIX.

The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ARTICLE XX.

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the Canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-

nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through The New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

Article XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

Article XXIV.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

Article XXV.

For the better performance of the engagements of this convention and to the end of the efficient protection of the Canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

Article XXVI.

This convention when signed by the Plenipotentiaries of the Contracting Parties shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

JOHN HAY [SEAL]
P. BUNAU VARILLA [SEAL]

1904.

EXTRADITION TREATY.

Concluded May 25, 1904; ratification advised by the Senate January 6, 1905; ratified by the President January 20, 1905; ratifications exchanged April 8, 1905; proclaimed May 12, 1905.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Nonextradition.
VIII. Offense for which to be tried.
IX. Property in possession of accused.
X. Persons claimed by other countries.
XI. Expenses.
XII. Effect; ratification; duration.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PANAMÁ, PROVIDING FOR THE EXTRADITION OF CRIMINALS.

The United States of America and the Republic of Panamá, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Panamá, and have appointed for that purpose the following Plenipotentiaries:—The President of the United States of America, William W. Russell, Chargé d'Affaires ad interim of the United States in Panamá, and the President of the Republic of Panamá, Tomás Arias, Secretary of Government of Panamá.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

ARTICLE I.

The Government of the United States and the Government of the Republic of Panamá mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of Criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses:—

1. Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; manslaughter, when voluntary.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money, goods, documents or other property by violence or putting him in fear; burglary.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of Government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank notes or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; where in either class of cases the embezzlement exceeds the sum of two hundred dollars; larceny.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea.

(*a*) Piracy, by statute or by the laws of nations.

(*b*) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(*c*) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(*d*) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

13. Bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished, in the United States as a felony, and in the Republic of Panamá by imprisonment at hard labor.

Article III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior Consular Officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with a crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in the Republic of Panamá, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

ARTICLE IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to a judge or other magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the statutes of the United States.

When, under the provisions of this article, the arrest and detention of a fugitive are desired in the Republic of Panamá, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive. The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character. No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition. If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty if legal proceedings or the enforcement of the penalty for

the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All the articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. The ratifications of the present Treaty shall be exchanged

at Washington or at Panamá as soon as possible, and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the city of Panamá on the twenty-fifth day of May in the year of our Lord nineteen hundred and four.

W. W. RUSSELL. [SEAL.]
TOMAS ARIAS. [SEAL.]

PARAGUAY.

1859.

Claims Convention.

Concluded February 4, 1859; ratification advised by the Senate February 16, 1860; ratified by the President March 7, 1860; ratifications exchanged March 7, 1860; proclaimed March 12, 1860.

Articles.

I. Claim, Paraguay Navigation Co.
II. Commissioners.
III. Oath.
IV. Meeting.
V. Payment.
VI. Compensation Umpire.
VII. Ratification.

His Excellency the President of the United States of America, and His Excellency the President of the Republic of Paraguay, desiring to remove every cause that might interfere with the good understanding and harmony, for a time so unhappily interrupted, between the two nations, and now so happily restored, and which it is so much for their interest to maintain; and desiring for this purpose to come to a definite understanding, equally just and honorable to both nations, as to the mode of settling a pending question of the said claims of the "United States and Paraguay Navigation Company"—a company composed of citizens of the United States—against the Government of Paraguay, have agreed to refer the same to a special and respectable commission, to be organized and regulated by the convention hereby established between the two high contracting parties; and for this purpose they have appointed and conferred full powers, respectively, to wit:

His Excellency the President of the United States of America upon James B. Bowlin, a Special Commissioner of the said United States of America, specifically charged and empowered for this purpose; and His Excellency the President of the Republic of Paraguay upon Señor Nicholas Vasquez, Secretary of State and Minister of Foreign Affairs of the said Republic of Paraguay;

Who, after exchanging their full powers, which were found in good and proper form, agreed upon the following articles:

Article I.

The Government of the Republic of Paraguay binds itself for the responsibility in favor of the "United States and Paraguay Navigation Company," which may result from the decree of commissioners, who, it is agreed, shall be appointed as follows:

Article II.

The two high contracting parties, appreciating the difficulty of agreeing upon the amount of the reclamations to which the said

company may be entitled, and being convinced that a commission is the only equitable and honorable method by which the two countries can arrive at a perfect understanding thereof, hereby covenant to adjust them accordingly by a loyal commission. To determine the amount of said reclamations, it is, therefore, agreed to constitute such a commission, whose decision shall be binding, in the following manner:

The Government of the United States of America shall appoint one Commissioner, and the Government of Paraguay shall appoint another; and these two, in case of disagreement, shall appoint a third, said appointment to devolve upon a person of loyalty and impartiality, with the condition that in case of difference between the Commissioners in the choice of an Umpire, the diplomatic representatives of Russia and Prussia, accredited to the Government of the United States of America, at the city of Washington, may select such Umpire.

The two Commissioners named in the said manner shall meet in the city of Washington, to investigate, adjust, and determine the amount of the claims of the above-mentioned company, upon sufficient proofs of the charges and defences of the contending parties.

Article III.

The said Commissioners, before entering upon their duties, shall take an oath before some judge of the United States of America that they will fairly and impartially investigate the said claims, and a just decision thereupon render, to the best of their judgment and ability.

Article IV.

The said Commissioners shall assemble, within one year after the ratification of the "treaty of friendship, commerce, and navigation" this day celebrated at the city of Assumption between the two high contracting parties, at the city of Washington, in the United States of America, and shall continue in session for a period not exceeding three months, within which, if they come to an agreement, their decision shall be proclaimed; and in case of disagreement, they shall proceed to the appointment of an Umpire as already agreed.

Article V.

The Government of Paraguay hereby binds itself to pay to the Government of the United States of America, in the city of Assumption, Paraguay, thirty days after presentation to the Government of the Republic, the draft which that of the United States of America shall issue for the amount for which the two Commissioners concurring, or by the Umpire, shall declare it responsible to the said company.

Article VI.

Each of the high contracting parties shall compensate the Commissioner it may appoint the sum of money he may stipulate for his services, either by instalments or at the expiration of his task. In case of the appointment of an Umpire, the amount of his remuneration shall be equally borne by both contracting parties.

ARTICLE VII.

The present convention shall be ratified within fifteen months, or earlier if possible, by the Government of the United States of America, and by the President of the Republic of Paraguay within twelve days from this date. The exchange of ratifications shall take place in the city of Washington.

In faith of which, and in virtue of our full powers, we have signed the present convention in English and Spanish, and have thereunto set our respective seals.

Done at Assumption, this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine, being the eighty-third year of the Independence of the United States of America, and the forty-seventh of that of Paraguay.

[SEAL.] JAMES B. BOWLIN.
[SEAL.] NICOLAS VASQUEZ.

The commission to which the claim referred to in the foregoing treaty met in Washington June 22, 1860, and adjourned August 13, 1860, deciding against the claim.

1859.

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded February 4, 1859; ratification advised by the Senate February 27, 1860; ratified by the President March 7, 1860; ratifications exchanged March 7, 1860; proclaimed March 12, 1860.

ARTICLES.

I. Amity.
II. Navigation, Paraguay.
III. Most favored nation.
IV. Discrimination, imports, exports.
V. Shipping dues.
VI. Nationality of vessels.
VII. Proof nationality of vessels.
VIII. Import, export duties.
IX. Reciprocal privileges, citizens, business.
X. Property rights.
XI. Military service.
XII. Consuls.
XIII. War.
XIV. Property, religious freedom.
XV. Duration.
XVI. Ratification.

In the name of the Most Holy Trinity.

The Governments of the two Republics, the United States of America and of Paraguay, in South America, being mutually disposed to cherish more intimate relations and intercourse than those which have heretofore subsisted between them, and believing it to be of mutual advantage to adjust the conditions of such relations by signing a "treaty of friendship, commerce, and navigation," for that object have nominated their respective Plenipotentiaries, that is to say:

His Excellency the President of the United States of America has nominated James B. Bowlin, a Special Commissioner of the United States of America at Assumption, and His Excellency the President

of the Republic of Paraguay has nominated the Paraguayan citizen, Nicolas Vasquez, Secretary of State and Minister of Foreign Relations of the Republic of Paraguay;

Who, after having communicated competent authorities, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be perfect peace and sincere friendship between the Government of the United States of America and the Government of the Republic of Paraguay, and between the citizens of both States, and without exception of persons or places. The high contracting parties shall use their best endeavors that this friendship and good understanding may be constantly and perpetually maintained.

ARTICLE II.

The Republic of Paraguay, in the exercise of the sovereign right which pertains to her, concedes to the merchant flag of the citizens of the United States of America the free navigation of the river Paraguay as far as the dominions of the Empire of Brazil, and of the right side of the Paraná throughout all its course belonging to the Republic, subject to police and fiscal regulations of the Supreme Government of the Republic, in conformity with its concessions to the commerce of friendly nations. They shall be at liberty with their ships and cargoes, freely and securely to come to and to leave all the places and ports which are already mentioned; to remain and reside in any part of the said territories; hire houses and warehouses, and trade in all kinds of produce, manufactures, and merchandise of lawful commerce, subject to the usages and established customs of the country. They may discharge the whole or a part of their cargoes at the ports of Pilar, and where commerce with other nations may be permitted, or proceed with the whole or part of their cargo to the port of Assumption, according as the captain, owner, or other duly authorized person shall deem expedient.

In the same manner shall be treated and considered such Paraguayan citizens as may arrive at the ports of the United States of America with cargoes in Paraguayan vessels, or vessels of the United States of America.

ARTICLE III.

The two high contracting parties hereby agree that any favor, privilege, or immunity whatever, in matters of commerce or navigation, which either contracting party has actually granted, or may hereafter grant, to the citizens or subjects of any other State, shall extend, in identity of cases and circumstances, to the citizens of the other contracting party, gratuitously, if the concession in favor of that other State shall have been gratuitous, or in return for an equivalent compensation, if the concession shall have been conditional.

ARTICLE IV.

No other or higher duties shall be imposed on the importation or exportation of any article of the growth, produce, or manufacture of the two contracting States than are or shall be payable on the like

article being the growth, produce, or manufacture of any other foreign country. No prohibition shall be imposed upon the importation or exportation of any article of the growth, produce, or manufacture of the territories of either of the two contracting parties into the territories of the other, which shall not equally extend to the importation or exportation of similar articles to the territories of any other nation.

ARTICLE V.

No other or higher duties or charges on account of tonnage, light, or harbor dues, pilotage, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any of the ports of the territories of the Republic of Paraguay on vessels of the United States of America than those payable in the same ports by Paraguayan vessels, nor in the ports of the territories of the United States of America on Paraguayan vessels, than shall be payable in the same ports by vessels of the United States of America.

ARTICLE VI.

The same duties shall be paid upon the importation and exportation of any article which is or may be legally importable or exportable into the dominions of the United States of America and into those of Paraguay, whether such importation or exportation be made in vessels of the United States of America or in Paraguayan vessels.

ARTICLE VII.

All vessels which, according to the laws of the United States of America, are to be deemed vessels of the United States of America, and all vessels which, according to the laws of Paraguay, are to be deemed Paraguayan vessels, shall, for the purposes of this treaty, be deemed vessels of the United States of America and Paraguayan vessels, respectively.

ARTICLE VIII.

Citizens of the United States of America shall pay, in the territories of the Republic of Paraguay, the same import and export duties which are established or may be established hereafter for Paraguayan citizens. In the same manner the latter shall pay, in the United States of America, the duties which are established or may hereafter be established for citizens of the United States of America.

ARTICLE IX.

All merchants, commanders of ships, and others, the citizens of each country, respectively, shall have full liberty, in all the territories of the other, to manage their own affairs themselves, or to commit them to the management of whomsoever they please, as agent, broker, factor, or interpreter; and they shall not be obliged to employ any other persons than those employed by natives, nor to pay to such persons as they shall think fit to employ any higher salary or remuneration than such as is paid in like cases by natives.

The citizens of the United States of America in the territories of Paraguay, and the citizens of Paraguay in the United States of America, shall enjoy the same full liberty which is now or may hereafter be enjoyed by natives of each country, respectively, to buy from and sell to whom they like all articles of lawful commerce, and to fix the prices thereof as they shall see good, without being affected by any monopoly, contract, or exclusive privilege of sale or purchase, subject, however, to the general ordinary contributions or imposts established by law.

The citizens of either of the two contracting parties in the territories of the other shall enjoy full and perfect protection for their persons and property, and shall have free and open access to the courts of justice for the prosecution and defence of their just rights; they shall enjoy, in this respect, the same rights and privileges as native citizens; and they shall be at liberty to employ, in all causes, the advocates, attorneys, or agents, of whatever description, whom they may think proper.

Article X.

In whatever relates to the police of the ports, the lading or unlading of ships, the warehousing and safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, or testament, or in any other manner whatsoever, as also with regard to the administration of justice, the citizens of each contracting party shall enjoy, in the territories of the other, the same privileges, liberties, and rights as native citizens, and shall not be charged, in any of these respects, with any other or higher imposts or duties than those which are or may be paid by native citizens, subject always to the local laws and regulations of such territories.

In the event of any citizen of either of the two contracting parties dying without will or testament in the territory of the other contracting party, the Consul-General, Consul, or Vice-Consul, of the nation to which the deceased may belong, or, in his absence, the representative of such Consul-General, Consul, or Vice-Consul, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul-General, Consul or Vice-Consul, or his representative.

Article XI.

The citizens of the United States of America residing in the territories of the Republic of Paraguay, and the citizens of the Republic of Paraguay residing in the United States of America, shall be exempted from all compulsory military service whatsoever, whether by sea or land, and from all forced loans or military exactions or requisitions; and they shall not be compelled to pay any charges, requisition, or taxes other or higher than those that are or may be paid by native citizens.

ARTICLE XII.

It shall be free for each of the two contracting parties to appoint Consuls for the protection of trade, to reside in the territories of the other party; but before any Consul shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent; and either of the two contracting parties may except from the residence of Consuls such particular places as either of them may judge fit to be excepted.

The Diplomatic Agents and Consuls of the United States of America in the territories of the Republic of Paraguay, shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to the Diplomatic Agents and Consuls of any other nation whatever; and, in like manner, the Diplomatic Agents and Consuls of the Republic of Paraguay in the United States of America shall enjoy whatever privileges, exemptions, and immunities are or may be there granted to agents of any other nation whatever.

ARTICLE XIII.

For the better security of commerce between the citizens of the United States of America and the citizens of the Republic of Paraguay, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two contracting parties, the citizens of either of the said contracting parties, who may be established in the territories of the other in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein without any manner of interruption, in full enjoyment of their liberty and property, as long as they behave peaceably and commit no offence against the laws; and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like effects or property belonging to native citizens. If, however, they prefer to leave the country, they shall be allowed the time they may require to liquidate their accounts and dispose of their property, and a safe conduct shall be given them to embark at the ports which they shall themselves select. Consequently, in the case referred to of a rupture, the public funds of the contracting States shall never be confiscated, sequestered, or detained.

ARTICLE XIV.

The citizens of either of the two contracting parties residing in the territories of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the Government in as full and ample a manner as native citizens.

In like manner the citizens of each contracting party shall enjoy, in the territories of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The citizens of the United States of America residing within the territories of the Republic of Paraguay shall be at liberty to exercise, in private and in their own dwellings, or within the dwellings or offices of the Consuls or Vice-Consuls of the United States of America, their religious rights, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

ARTICLE XV.

The present treaty shall be in force during ten years, counted from the day of the exchange of the ratifications; and, further, until the end of twelve months after the Government of the United States of America on the one part, or the Government of Paraguay on the other, shall have given notice of its intention to terminate the same.

The Paraguayan Government shall be at liberty to address to the Government of the United States of America, or to its representative in the Republic of Paraguay, the official declaration agreed upon in this article.

ARTICLE XVI.

The present treaty shall be ratified by His Excellency the President of the United States of America within the term of fifteen months, or earlier if possible, and by His Excellency the President of the Republic of Paraguay within twelve days from this date, and the ratifications shall be exchanged in Washington.

In witness whereof the respective Plenipotentiaries have signed it, and affixed thereto their seals.

Done at Assumption this fourth day of February, in the year of our Lord one thousand eight hundred and fifty-nine.

[SEAL.] JAMES B. BOWLIN.
[SEAL.] NICOLAS VASQUEZ.

1909.

ARBITRATION CONVENTION.

Signed at Asuncion, March 13, 1909; ratification advised by the Senate, July 30, 1909; ratified by the President, August 10, 1909; ratifications exchanged at Asuncion, October 2, 1909; proclaimed, November 11, 1909.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

ARBITRATION CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PARAGUAY.

The Government of the United States of America and the Government of the Republic of Paraguay, signatories of the convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the

right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Paraguay shall be subject to the procedure required by her laws.

ARTICLE III.

The present Convention is concluded for a period of five years dating from the day of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Paraguay, with the previous approval of the Legislative Congress. The ratifications shall be exchanged at Asuncion as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Asuncion, this thirteenth day of March in the year one thousand nine hundred and nine.

EDWARD C. O'BRIEN [SEAL]
MANUEL GONDRA [SEAL]

PERSIA.

1856.

Treaty of Friendship and Commerce.

Concluded December 13, 1856; ratification advised by the Senate March 10, 1857; ratified by the President March 12, 1857; ratifications exchanged June 13, 1857; proclaimed August 18, 1857.

Articles.

I. Amity.
II. Diplomatic privileges.
III. Most favored nation.
IV. Import, export duties.
V. Disputes.
VI. Effects of deceased persons.
VII. Consuls.
VIII. Duration.
IX. Ratification.

In the name of God, the clement and the merciful.

The President of the United States of North America, and His Majesty as exalted as the planet Saturn; the Sovereign to whom the sun serves as a standard; whose splendor and magnificence are equal to that of the skies; the Sublime Sovereign, the Monarch whose armies are as numerous as the stars; whose greatness calls to mind that of Jeinshid; whose magnificence equals that of Darius; the heir of the crown and throne of the Kayanians; the Sublime Emperor of all Persia; being both equally and sincerely desirous of establishing relations of friendship between the two Governments, which they wish to strengthen by a treaty of friendship and commerce reciprocally advantageous and useful to the citizens and subjects of the two high contracting parties, have for this purpose named for their Plenipotentiaries:

The President of the United States of North America, Carroll Spence, Minister Resident of the United States near the Sublime Porte; and His Majesty the Emperor of all Persia, His Excellency Emin ul Molk Farrukh Khan, Ambassador of His Imperial Majesty the Shah, decorated with the portrait of the Shah, with the great cordon blue, and bearer of the girdle of diamonds, &c., &c., &c., &c.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in proper and due form, have agreed upon the following articles:

Article I.

There shall be hereafter a sincere and constant good understanding between the Government and citizens of the United States of North America and the Persian Empire and all Persian subjects.

ARTICLE II.

The Ambassadors or Diplomatic Agents whom it may please either of the two high contracting parties to send and maintain near the other shall be received and treated, they and all those composing their missions, as the Ambassadors and Diplomatic Agents of the most favored nations are received and treated in the two respective countries; and they shall enjoy there, in all respects, the same prerogatives and immunities.

ARTICLE III.

The citizens and subjects of the two high contracting parties—travellers, merchants, manufacturers, and others—who may reside in the territory of either country, shall be respected and efficiently protected by the authorities of the country and their agents, and treated in all respects as the subjects and citizens of the most favored nation are treated.

They may reciprocally bring, by land or by sea, into either country, and export from it, all kinds of merchandise and products, and sell, exchange, or buy, and transport them to all places in the territories of either of the high contracting parties. It being, however, understood that the merchants of either nation who shall engage in the internal commerce of either country shall be governed, in respect to such commerce, by the laws of the country in which such commerce is carried on; and in case either of the high contracting Powers shall hereafter grant other privileges concerning such internal commerce to the citizens or subjects of other Governments, the same shall be equally granted to the merchants of either nation engaged in such internal commerce within the territories of the other.

ARTICLE IV.

The merchandise imported or exported by the respective citizens or subjects of the two high contracting parties shall not pay in either country, on their arrival or departure, other duties than those which are charged in either of the countries on the merchandise or products imported or exported by the merchants and subjects of the most favored nation, and no exceptional tax, under any name or pretext whatever, shall be collected on them in either of the two countries.

ARTICLE V.

All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred at the place where a Consul or Agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the Consul or Agent of the United States.

All suits and disputes which may arise in the Empire of Persia between citizens of the United States shall be referred entirely for trial and for adjudication to the Consul or Agent of the United States residing in the province wherein such suits and disputes may have arisen, or in the province nearest to it, who shall decide them according to the laws of the United States.

All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign Powers, shall be tried and adjudicated by the intermediation of their respective Consuls or agents.

In the United States, Persian subjects, in all disputes arising between themselves, or between them and citizens of the United States or foreigners, shall be judged according to the rules adopted in the United States respecting the subjects of the most favored nation.

Persian subjects residing in the United States, and citizens of the United States, residing in Persia, shall, when charged with criminal offences, be tried and judged in Persia and the United States in the same manner as are the subjects and citizens of the most favored nation residing in either of the above-mentioned countries.

Article VI.

In case of a citizen or subject of either of the contracting parties dying within the territories of the other, his effects shall be delivered up integrally to the family or partners in business of the deceased; and in case he has no relations or partners, his effects in either country shall be delivered up to the Consul or agent of the nation of which the deceased was a subject or citizen, so that he may dispose of them in accordance with the laws of his country.

Article VII.

For the protection of their citizens or subjects, and their commerce respectively, and in order to facilitate good and equitable relations between the citizens and subjects of the two countries, the two high contracting parties reserve the right to maintain a Diplomatic Agent at either seat of government, and to name each three Consuls in either country; those of the United States shall reside at Teheran, Bender-Bushir, and Tauris; those of Persia, at Washington, New York, and New Orleans.

The Consuls of the high contracting parties shall reciprocally enjoy in the territories of the other, where their residences shall be established, the respect, priviledges, and immunities granted in either country to the Consuls of the most favored nation.

The Diplomatic Agent or Consuls of the United States shall not protect, secretly or publicly, the subjects of the Persian Government, and they shall never suffer a departure from the principles here laid down and agreed to by mutual consent.

And it is further understood, that if any of those Consuls shall engage in trade, they shall be subjected to the same laws and usages to which private individuals of their nation engaged in commercial pursuits in the same place are subjected.

And it is also understood by the high contracting parties, that the Diplomatic and Consular Agents of the United States shall not employ a greater number of domestics than is allowed by treaty to those of Russia residing in Persia.

Article VIII.

And the high contracting parties agree that the present treaty of friendship and commerce, cemented by the sincerest good feeling and confidence which exists between the Governments of the United

States and Persia, shall be in force for the term of ten years from the exchange of its ratification; and if, before the expiration of the first ten years, neither of the high contracting parties shall have announced, by official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of twelve months, which will follow a similar notification, whatever the time may be at which it may take place; and the Plenipotentiaries of the two high contracting parties further agree to exchange the ratifications of their respective governments at Constantinople in the space of six months, or earlier if practicable.

In faith of which the respective Plenipotentiaries of the two high contracting parties have signed the present treaty, and have attached their seals to it.

Done in duplicate in Persian and English, the thirteenth day of December, one thousand eight hundred and fifty-six, and of the Hijereh the fifteenth day of the moon of Rebiul Sany one thousand two hundred and seventy-three, at Constantinople.

[SEAL.] CARROLL SPENCE.
[SEAL.] EMIN UL MOLK FARRUKH KHAN.

PERU—BOLIVIA.

PERU (page 1386).

1836.[a]

Convention of Peace, Friendship, Commerce, and Navigation.

Concluded November 30, 1836; ratification advised by the Senate October 10, 1837; ratified by the President October 14, 1837; ratifications exchanged May 28, 1838; proclaimed October 3, 1838.

Articles.

I. Amity.
II. Most favored nation.
III. Commerce and navigation.
IV. Privileges in business affairs.
V. Asylum for vessels.
VI. Vessels captured by pirates.
VII. Shipwrecks.
VIII. Disposition of personal effects.
IX. Protection to persons and property.
X. Religious liberty.
XI. Trading privileges.
XII. Neutral property.
XIII. Contraband.
XIV. Freedom of merchandise.
XV. Detention of vessels.
XVI. Blockade.
XVII. Search at sea.
XVIII. Sea letters in war.
XIX. Vessels under convoy.
XX. Prize courts.
XXI. Privateering prohibited.
XXII. Case of war.
XXIII. Sequestration of property of citizens.
XXIV. Immunities of public agents.
XXV. Admission of consuls.
XXVI. Commissions and exequaturs.
XXVII. Privileges of consuls.
XXVIII. Deserters.
XXIX. Consular convention.
XXX. Duration; violation of treaty; declaration of war; ratification.

The United States of America and the Peru-Bolivian Confederation, desiring to make firm and permanent the peace and friendship which happily subsist between them, have resolved to fix, in a clear, distinct, and positive manner, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty, or general convention of peace, friendship, commerce, and navigation.

For this desirable purpose, the President of the United States of America has conferred full powers on Samuel Larned, Chargé d'Affaires of the said States near the Government of Peru; and the Supreme Protector of the North and South Peruvian States, President of the Republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation, has conferred like powers on John Garcia del Rio, Minister of State in the Department of Finance of the North Peruvian State;

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[a] This convention terminated by the dissolution of the Peru-Bolivian Confederation in 1839. See Peru, p. 1386.

Who, after having exhibited to each other their respective full powers, found to be in due and proper form, and exchanged certified copies thereof, have agreed to the following articles, to wit:

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship, between the United States of America and the Peru-Bolivian Confederation, in all the extent of their respective territories and possessions, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Peru-Bolivian Confederation, desiring to live in peace and harmony, as well with each other as with all the nations of the earth, by means of a policy frank, and equally friendly with all, engage, mutually, not to concede any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party to this treaty; who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality with the most favored nation, mutually agree that the citizens of each may frequent with their vessels all the coast and countries of the other, and may reside and trade there in all kinds of produce, manufactures, and merchandize, not prohibited to all; and shall pay no other or higher duties, charges or fees; whatsoever, either on their vessels or cargoes, than the citizens or subjects of the most favored [nation] are, or shall be, obliged to pay on their vessels and cargoes; and they shall enjoy, respectively, all the rights, privileges, and exemptions, in navigation and commerce, which the citizens or subjects of the most favored nation do or shall enjoy; they submitting themselves to the laws, decrees, and usages there established, to which such citizens or subjects are of right subjected.

But it is understood that the stipulations contained in this article do not include the coasting trade of either of the two countries; the regulation of this trade being reserved by the parties, respectively, according to their own separate laws.

ARTICLE IV.

It is likewise agreed that it shall be wholly free for all merchants commanders of ships, and other citizen of both countries, to manage themselves their own business in all the ports, and places subject to the jurisdiction of the other, as well with respect to the consignment and sale of their goods and merchandize, as to the purchase of their returns, unloading, loading, and sending off of their vessels. The citizens of neither of the contracting parties shall be liable to any

embargo, nor to be detained with their vessels, cargoes, merchandize, or effects, for any military expedition, nor for any public or private purpose whatever, without being allowed therefor a sufficient indemnification. Neither shall they be called upon for any forced loan, or occasional contributions; nor be subject to military service on land or sea.

ARTICLE V.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge, shelter, or relief, in the rivers, bay, ports, and dominions of other, with their vessels, whether of war, (public or private,) of trade, or employed in the fisheries, through stress of weather, want of water or provisions, pursuit of pirates or enemies, they shall be received and treated with humanity; and all favor and protection shall be given to them, in the repairing of their vessels, procuring of supplies, and placing of themselves in a condition to pursue their voyage, without obstacle or hindrance.

ARTICLE VI.

All ships, merchandize, and effects belonging to citizens of one of the contracting parties, which may be captured by pirates, whether on the high seas, or within the limits of its jurisdiction, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being understood that the claim should be made within the term of two years, by the parties themselves, their attornies, or the agents of their respective Governments.

ARTICLE VII.

Whenever any vessel belonging to the citizens of either of the contracting parties shall be wrecked, founder, or suffer damage, on the coast, or within the dominions of the other, all assistance and protection shall be given to the said vessel, her crew, and the merchandise on board, in the same manner as is usual and customary with vessels of the nation where the accident happens, in like cases; and it shall be permitted to her, if necessary, to unload the merchandize and effects on board, with the proper precautions to prevent their illicit introduction, without exacting, in this case, any duty, impost, or contribution whatever, provided the same be exported.

ARTICLE VIII.

The citizens of each of the contracting parties shall have power to dispose of their personal effects, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal effects, whether by testament or ab intestato, and may take possession thereof, either themselves, or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said effects are shall be subject to pay in like cases. And if, in the case of real estate, the said heirs should be pre-

vented from entering into possession of the inheritance on account of their character as aliens, there shall be granted to them the term of three years in which to dispose of the same, as they may think proper, and to withdraw the proceeds, which they may do without obstacle, and exempt from all charges, save those which are imposed by the laws of the country.

ARTICLE IX.

Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other, of all classes and occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice, for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; for which purpose they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors, as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals, in all cases that may concern them, and likewise at the taking of all evidence and examinations that may be exhibited in the said trials.

And, to render more explicit, and make more effectual, the solemn promise and engagement hereinbefore mentioned, under circumstances to which one of the parties thereto has heretofore been exposed, it is hereby further stipulated and declared, that all the rights and privileges which are now enjoyed by, or may hereafter be conferred on, the citizens of one of the contracting parties, by or in virtue of the constitution and laws of the other, respectively, shall be deemed and held to belong to, and inhere in, them, until such rights and privileges shall have been abrogated or withdrawn by an authority constitutionally or lawfully competent thereto.

ARTICLE X.

It is likewise agreed, that perfect and entire liberty of conscience shall be enjoyed, by the citizens of both the contracting parties, in the countries subject to the jurisdiction of the one and the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country.

Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XI.

It shall be lawful for the citizens of the United States of America and of the Peru-Bolivian Confederation to sail with their ships with all manner of liberty and security; no distinction being to be made who are the proprietors of the merchandise laden therein, from any port or place whatever, to the ports and places of those who are now, or hereafter shall be, at enmity with either of the contracting parties.

It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade, with the same liberty and security, from the places, ports, and havens of those who are enemies of both, or of either party, without any opposition or disturbance whatsoever; not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under that of several. And it is hereby stipulated, that free ships shall give freedom to goods; and that everything shall be deemed to be free and exempt, which shall be found on board of the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; goods contraband of war being always excepted. It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board of a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not be taken out of that free ship, unless they are officers or soldiers, and in the actual service of the enemy: Provided, however, and it is hereby further agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other be neutral, the flag of the neutral shall cover the property of those enemies whose Governments acknowledge this principle, and not that of others.

Article XII.

It is likewise agreed that, in cases where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the above stipulation, it shall always be understood that the neutral property found on board of such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board of such vessels before the declaration of war, or even afterwards, if it were done without the knowledge of such declaration; but the contracting parties agree that, six months having elapsed after the declaration, their citizens shall not be allowed to plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property on board, in this case, the goods and merchandise of the neutral, embarked in such enemy's ship, shall be free.

Article XIII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting only those which are distinguished by the name of contraband or prohibited goods, under which name shall be comprehended: 1st, cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades and bombs, powder, matches, balls, and all other things belonging to the use of these arms; 2ndly, bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in a military form and for a military use; 3rdly, cavalry

belts, and horses with their furniture; 4thly, and generally, all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly for the purposes of war, either by sea or land.

Article XIV.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified, as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are, at that time, besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral.

Article XV.

The articles of contraband, of those before enumerated and classified, which may be found in a vessesl bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas, on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, and of so large a bulk, that they cannot be received on board of the capturing vessel without great inconvenience; but, in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

Article XVI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after being warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo shall think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting it, with her cargo; nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution, but the owners thereof shall be allowed to remain in the undisturbed possession of their property. And if any vessel, having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established, and attempt to de-

part, she shall be subject to being warned by the blockading forces to return to the port blockaded and discharge the said cargo; and if, after receiving said warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences to which a vessel attempting to enter a blockaded port, after being warned off by the blockading forces, would be liable.

Article XVII.

To prevent all kinds of disorder and irregularity in the visiting and examining of the ships and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with the possibility and safety of making the visit under the circumstances of wind and sea, and in the degree of suspicion attending the vessel to be visited; and shall send one of her small boats, with no more men than those necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible, with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

Article XVIII.

To avoid all vexation and abuses in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the contracting parties, they have agreed, and do agree, that, in case one of them should be engaged in war, the ships and vessels of the other must be furnished with sea-letters, or passports, expressing the name, property, and burden of the ship, as also the name and place of residence of the master or commander thereof, in order that it may thereby appear that the said ship really and truly belongs to the citizens of one of the parties. They have likewise agreed that such ships, being laden, besides the said sea-letters or passports, shall be provided with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any contraband or prohibited goods are on board of the same; which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form, without which requisites the said vessel may be detained to be adjudged by the competent tribunals, and may be declared a legal prize, unless the said defect shall be proved to be owing to accident, or be satisfied or supplied by testimony entirely equivalent, in the opinion of said tribunals, to which ends there shall be allowed a sufficient term of time for its procurement.

ARTICLE XIX.

And it is further agreed that the stipulations above expressed, relative to the visiting and examining of vessels, shall apply to those only which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protecion belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XX.

It is moreover agreed that, in all cases, the established courts for prize causes, in the country to which the prize may be conducted, shall alone take cognizance of them. And whenever such tribunal or court of either party shall pronounce judgment against any vessel, goods, or property, claimed by citizens of the other party, the sentence or decree shall mention the reasons or motives in which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel or property, without any excuse or delay, he paying the legal fees for the same.

ARTICLE XXI.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

ARTICLE XXII.

If, at any time, a rupture should take place between the two contracting nations, and (which God forbid) they should become engaged in war with each other, they have agreed, and do agree now, for then, that the merchants, traders, and other citizens of all occupations, of each of the two parties residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they behave peaceably and properly, and commit no offense against the laws. And in case their conduct should render them suspected of malpractices, and, having thus forfeited this privilege, the respective Governments should think proper to order them to depart, the term of twelve months, from the publication or intimation of this order therefor, shall be allowed them, in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end the necessary safe conduct shall be given to them, and which shall serve as sufficient protection until they arrive at the designated port, and there embark. But this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, to be understood that the persons

so suspected may be ordered by the respective Governments to remove forthwith into the interior, to such places as they shall think fit to designate.

ARTICLE XXIII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor money, which they may have in public funds, nor in public or private banks shall ever, in any event of war or national difference, be sequestered or confiscated.

ARTICLE XXIV.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, they have agreed, and do agree, to grant to their Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions, as those of the most favored nation do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Peru-Bolivian Confederation may find it proper to grant to the Envoys, Ministers, and public agents of any other power shall, by the same act, be granted and extended to those of the contracting parties respectively.

ARTICLE XXV.

To make more effectual the protection which the United States of America and the Peru-Bolivian Confederation shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce; who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such functionaries may not seem convenient.

ARTICLE XXVI.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent, in due form, to the Government to which they are accredited; and, having received their exequatur, they shall be held and considered as such Consuls and Vice-Consuls by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXVII.

It is likewise agreed that the Consuls, Vice-Consuls, their secretaries, officers, and persons attached to their service, (they not being citizens of the country in which the Consul or Vice-Consul resides,) shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be

obliged to pay on account of commerce, or their property, and from which the citizens of their respective country, resident in the other, are not exempt, in virtue of the stipulations contained in this treaty; they being, in everything besides, subject to the laws of the respective States. The archives, and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate or other person seize or in any way interfere with them.

Article XXVIII.

The said Consuls and Vice-Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for this purpose they shall address themselves to the courts, judges, or officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the ship's roll or other public document, that the men so demanded are part of the crew of the vessel from which it is alleged they have deserted; and on this demand, so proved, (saving, however, when the contrary is more conclusively proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said Consuls or Vice-Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belong, or to others of the same nation; but if they should not be so sent within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article XXIX.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare, specially, the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Article XXX.

The United States of America, and the Peru-Bolivian Confederation, desiring to make as durable as circumstances will permit the relations which are established between the two parties in virtue of this treaty, or general convention of peace, friendship, commerce, and navigation, have declared solemnly, and do agree, as follows:

1st. The present treaty shall be in force for twelve years from the day of the exchange of the ratifications thereof; and, further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other, at the end of said term of twelve years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other, as above mentioned, this treaty shall, in all the points relating to commerce and navigation, altogether cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on both Powers.

2ndly. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor, and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or offenders, or to sanction such violence, under pain of rendering itself liable for the consequences thereof.

3rdly. If, (which, indeed, cannot be expected,) unfortunately, any of the stipulations contained in the present treaty shall be violated or infringed in any other way whatever, it is expressly covenanted and agreed, that neither of the contracting parties will order, or authorize, any act of reprisals, nor declare or make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and have demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing in this treaty contained shall, however, be construed to operate contrary to former and existing public treaties with other states or sovereigns.

The present treaty of peace, friendship, commerce, and navigation shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Supreme Protector of the north and south Peruvian States, President of the Republic of Bolivia, encharged with the direction of the foreign relations of the Peru-Bolivian Confederation; and the ratifications shall be exchanged within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and the Peru-Bolivian Confederation, have signed and sealed these presents.

Done in the city of Lima on the thirtieth day of November, in the year of our Lord one thousand eight hundred and thirty-six.

[SEAL.] SAMUEL LARNED.
[SEAL.] J. GARCIA DEL RIO.

PERU.

1841.[a]

Claims Convention.

Concluded March 17, 1841; ratification advised by the Senate January 5, 1843; ratified by the President January 12, 1843; ratification exchanged July 22, 1843; proclaimed February 21, 1844; modification consented to and time for exchange of ratifications extended by the Senate May 29, 1846; ratifications again exchanged October 31, 1846; proclaimed January 8, 1847.

Articles.

I. Payment by Peru.
II. Manner of payment.
III. Interest.
IV. Payment in hard dollars.
V. No further demand for claims presented.
VI. Payment by orders on custom house.
VII. Ratification.

The United States of America and the Republic of Peru, desirous of consolidating permanently the good understanding and friendship now happily existing between the parties, have resolved to arrange and terminate their differences and pretensions, by means of a convention that shall determine exactly the responsibilities of Peru with respect to the claims of certain citizens of the United States against her:

And with this intention, the President of the United States has appointed James C. Pickett, Chargé d'Affaires of said States near Peru, and His Excellency the President of the Republic of Peru has appointed Don Manuel del Rio, principal officer of the Department of Finance, Acting Minister of the same Department and Supernumerary Councillor of State;

And both Commissioners, after having exchanged their powers, have agreed upon and signed the following articles:

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[a] The reason why this treaty was proclaimed twice will appear in the following extract from the second proclamation of it, viz:

"And whereas the seventh article of the said convention required that the ratifications of the contracting parties should be exchanged within two years from its date, which provision was not observed by the said parties owing to delays in the ratification rendering such exchange impracticable within the time stipulated; and whereas it appears that the duly constituted authorities of the Republic of Peru did, on the 21st of October, 1845, by law, approve in all respects the said convention, with the condition, however, that the first annual instalment of thirty thousand dollars on account of the principal of the debt recognised thereby, and to which the second article relates, should begin from the 1st of January, 1846, and the interest on this annual sum, according to Article III, should be calculated and paid from the 1st of January, 1842; and whereas the said convention and the aforesaid modification thereof have been duly ratified, and the respective ratifications of the same were exchanged in the city of Lima on the 31st day of October last, by Albert G. Jewett, on the part of the United States, and Manuel del Rio, on the part of the Republic of Peru: Now, therefore, be it known," &c.

ARTICLE I.

The Peruvian Government, in order to make full satisfaction for various claim of citizens of the United States, on account of seizures, captures, detentions, sequestrations, and confiscations of their vessels, or for the damage and destruction of them, of their cargoes, or other property, at sea, and in the ports and territories of Peru, by order of said Government of Peru, or under its authority, has stipulated, to pay to the United States, the sum of three hundred thousand dollars, which shall be distributed among the claimants, in the manner and according to the rules that shall be prescribed by the Government of the United States.

ARTICLE II.

The sum of three hundred thousand dollars, which the Government of Peru has agreed to pay, in the preceding article, shall be paid at Lima, in ten equal annual instalments of thirty thousand dollars each, to the person or persons that may be appointed by the United States to receive it. The first instalment shall be paid on the first day of January, in the year one thousand eight hundred and forty-four, and an instalment on the first day of each succeeding January, until the whole sum of three hundred thousand dollars shall be paid.

ARTICLE III.

The Peruvian Government agrees also to pay interest on the beforementioned sum of three hundred thousand dollars, at the rate of four per centum per annum, to be computed from the first day of January, one thousand eight hundred and forty-two, and the interest accruing on each instalment shall be paid with the instalment. That is to say, interest shall be paid on each annual instalment, from the first day of January, one thousand eight hundred and forty-two.

ARTICLE IV.

All the annual payments made on account of the three hundred thousand dollars, shall be paid in hard dollars of the same standard and value as those now coined at the mint in Lima; and the annual payments, as well as the accruing interest, may be exported from Peru, free of all duty whatever.

ARTICLE V.

There shall not be demanded of the Government of Peru any other payment or indemnification, on account of any claim of the citizens of the United States, that was presented to it by Samuel Larned, esquire, when Chargé d'Affaires of the United States near Peru. But the claims subsequent to those presented by Mr. Larned to the Government of Peru shall be examined and acted upon hereafter.

ARTICLE VI.

It is further agreed, that the Peruvian Government shall have the option of paying each annual instalment, when it is due, with orders on the custom-house at Callao, which shall be endorsable in sums of any amount, and receivable in the Treasury, as cash, in payment of duties on importations of all kinds; and the orders shall be given in such a manner as, that in case similar orders shall be at a discount in the market, the full value of each annual payment shall be se-

cured and made good to the United States, as though it had been paid in cash at the time of its falling due; and any loss occasioned by discount, or delay in the collection, shall be borne and made good by the Peruvian Government.

ARTICLE VII.

This convention shall be ratified by the contracting parties, and the ratifications shall be exchanged within two years from its date, or sooner if possible, after having been approved by the President and Senate of the United States, and by the Congress of Peru.

In witness whereof, the respective Commissioners have signed the same, and affixed thereto their seals. Done in triplicate at the city of Lima, this seventeenth day of March, in the year of our Lord one thousand eight hundred and forty-one.

[SEAL.] J. C. PICKETT.
[SEAL.] MANUEL DEL RIO.

The claims referred to in the foregoing treaty were adjudicated by the Attorney-General, and the final report was made August 7, 1847, allowing claims amounting to $421,432.41.

1851.[a]

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded July 26, 1851; ratification advised by the Senate June 23, 1852; ratified by the President July 16, 1852; ratifications exchanged July 16, 1852; proclaimed July 19, 1852.

ARTICLES.

I. Amity.
II. Freedom of commerce.
III. Most favored nation.
IV. Discrimination in duties on vessels.
V. Discrimination on account of nationality of vessels.
VI. Discrimination on account of nationality of imports.
VII. Discrimination on exports.
VIII. Change of duties to take effect.
IX. Coasting trade.
X. Steam vessels.
XI. Peruvian vessels.
XII. Whaleships.
XIII. Reciprocal privileges of citizens in business.
XIV. Mining privileges.
XV. Disposition of property.
XVI. Shipwrecks.
XVII. Asylum for vessels.
XVIII. Property recaptured from pirates.
XIX. Protection to persons and property.
XX. Religious liberty.
XXI. Trade with enemies.
XXII. Neutral goods.
XXIII. Contraband.
XXIV. All other goods free.
XXV. Cargo not contraband.
XXVI. Blockades and sieges.
XXVII. Search.
XXVIII. Navigation in war.
XXIX. Vessels under convoy.
XXX. Prize cases.
XXXI. War with other nations.
XXXII. Rights in war.
XXXIII. Property not to be confiscated.
XXXIV. Rights of envoys.
XXXV. Consuls.
XXXVI. Exemptions of consuls.
XXXVII. Deserters.
XXXVIII. Consular convention.
XXXIX. Property of deceased citizens.
XL. Duration; ratification.

The United States of America and the Republic of Peru, being equally animated with the desire to render firm and permanent the

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[a] This treaty was terminated December 9, 1863, upon notice given by Peru.

peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules which shall in future be religiously observed between the two nations by means of a treaty of friendship, commerce, and navigation.

To attain this desirable object, the President of the United States of America has conferred full powers on John Randolph Clay, the accredited Chargé d'Affaires of the said States to the Government of Peru, and the President of the Republic of Peru has conferred like full powers on Brigadier General Don Juan Crisostomo Torrico, Minister of War and the Marine, Minister of Foreign Affairs ad interim, &c., &c.; who, after exchanging their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

Article II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territories of either, and occupy dwellings and warehouses, and everything belonging thereto shall be respected and shall not be subjected to any arbitrary visits or search.

The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts shall be made without the legal order of a competent tribunal or judge.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods, or effects, for any military expedition, or for any public purpose whatsoever, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ARTICLE III.

The two high contracting parties hereby bind and engage themselves not to grant any favor, privilege, or immunity whatever, in matters of commerce and navigation, to other nations, which shall not be also immediately extended to the citizens of the other contracting party, who shall enjoy the same, gratuitously, if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

No higher or other duties or charges on account of tonnage, lighthouses, or harbour dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru on vessels of the United States, of the burden of two hundred tons and upwards, than those payable in the same ports by Peruvian vessels of the same burden; nor in any of the ports of the United States by Peruvian vessels of the burden of two hundred tons and upwards, than shall be payable in the same ports by vessels of the United States of the same burden.

ARTICLE V.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels may also be so imported in vessels of the other party, without paying other or higher duties and charges of any kind or denomination whatever than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges.

It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

ARTICLE VI.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article the produce, growth, or manufacture of the other party, than are or shall be payable on the like article being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article the produce, growth, or manufacture of either party into the ports or territories of the other, which shall not equally extend to all other nations.

ARTICLE VII.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels may also be exported in

vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

ARTICLE VIII.

No changes or alterations in the tariffs of either of the high contracting parties, *augmenting* the duties payable upon merchandise or articles of commerce of any sort or kind imported into or exported from their respective ports, shall be held to apply to the commerce or navigation of either party, until the expiration of eight calendar months after the said changes or alterations shall have been promulgated and become a law, unless the law or decree by which such changes or alterations shall be made contain a prospective provision to the same or similar effect.

ARTICLE IX.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party; the regulation of such navigation and trade being reserved, respectively, by the parties, according to their own separate laws.

Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage-dues or port-charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

ARTICLE X.

The Republic of Peru, desiring to increase the intercourse along its coasts, by means of steam navigation, hereby engages to accord to any citizen or citizens of the United States who may establish a line of steam-vessels, to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie, and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties, that the steam-vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

ARTICLE XI.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a

citizen or citizens of the said republic, and of where the captain is also a citizen of the same, though the construction or the crew is or may be foreign, shall be considered, for all the objects of this treaty, as a Peruvian vessel.

Article XII.[a]

The whale-ships of the United States shall have access to the port of Tumbez, as well as to the ports of entry in Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, ad valorem, for each vessel without paying any tonnage or harbour dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbour dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, ad valorem, for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies, or goods and oil, when imported in the vessels and by the citizens or subjects of the most favored nation.

Article XIII.

The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs, in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint, as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce, imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

Article XIV.

Peruvian citizens shall enjoy the same privileges in frequenting the mines, and in digging or working for gold upon the public lands situated in the State of California, as are, or may be hereafter, accorded by the United States of America to the citizens or subjects of the most favored nation.

Article XV.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal property and effects, of every kind and description, within the jurisdiction of the

[a] This article was amended by the convention of July 4, 1857.

other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to their said personal property and effects, whether by testament or ab intestato, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the inhabitants of the country wherein said effects may be shall be subject to pay in like cases. Should the property consist of real estate, and the heirs, on account of their character as aliens, be prevented from entering into possession of the inheritance, they shall be allowed the term of three years to dispose of the same and withdraw and export the proceeds, which they may do without any hindrance, and without paying any other dues or charges than those which are established by the laws of the country.

Article XVI.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict, on or near the coasts, within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners, or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in the like case, by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost, or contribution whatever, provided the same be exported.

Article XVII.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war (public or private) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs, and while any vessel may be undergoing them its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance.

Article XVIII.

All vessels, merchandise, and effects, belonging to the citizens of either of the high contracting parties, which may be captured by pirates, either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the

competent tribunals; it being understood that the claim thereto shall be made within two years, by the owners themselves, their agents, or the agents of the respective Governments.

ARTICLE XIX.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be, and they shall be at liberty to employ, in all causes, the advocates, attornies, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti;* and they shall in all cases be brought before a magistrate, or other legal authority, for examination, within twenty-four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised towards them.

ARTICLE XX.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties, who may die in the territories of the other, shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XXI.

The citizens of the United States of America and of the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or under several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty

shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not that of others.

Article XXII.

When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or even afterwards, if it were done without knowledge of such declaration; but the contracting parties agree that ignorance cannot be alleged after the lapse of six months from the declaration of war. On the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

Article XXIII.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise except the articles called contraband of war, under which name shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, and everything belonging to the use of these arms.

2nd. Bucklers, helmets, breastplates, coats of mail, accoutrements, and clothes made up in military form and for military use.

3d. Cavalry belts and horses, with their harness.

4th. And generally, all offensive or defensive arms made of iron, steel, brass, copper, or of any other material, prepared and formed to make war by land or at sea.

Article XXIV.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

Article XXV.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's ports, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment according to law.

Article XXVI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by the commanding officer of a vessel forming part of the blockading forces, she again attempt to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor, if found therein before or after the reduction and surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution; but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established, and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

Article XXVII.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be

necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ARTICLE XXVIII.

Both contracting parties likewise agree that when one of them shall be engaged in war the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner, and master or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessels being laden, besides the said sea-letters, patents, or passports, shall be provided with manifests or certificates, containing the particulars of the cargo and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained to be adjudged by the competent tribunals, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

ARTICLE XXIX.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXX.

It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case,

shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

Article XXXI.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission, or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

Article XXXII.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties, residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they conduct themselves peaceably and properly, and commit no offense against the laws. And in case their acts should render them justly suspected, and, having thus forfeited this privilege, the respective Governments should think proper to order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs and remove with their families, effects, and property; to which end the necessary safe conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove, forthwith, to such places in the interior as may be designated.

Article XXXIII.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case be sequestrated or confiscated.

Article XXXIV.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their Envoys, Ministers, Chargés d'Affaires, and other diplomatic agents, the same favors, privileges, immunities, and exemptions, that those of the most favored nations do or shall enjoy; it being understood

that the favors, privileges, immunities, and exemptions granted by the one party to the Envoys, Ministers, Chargés d'Affaires, or other diplomatic agents of the other party, or to those of any other nation shall be reciprocally granted and extended to those of both the high contracting parties respectively.

Article XXXV.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, Consuls and Vice-Consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation. But to enjoy the rights, prerogatives, and immunities which belong to them, in virtue of their public character, the Consuls and Vice-Consuls shall before exercising their official functions exhibit to the government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged, in their official characters, by the authorities, magistrates, and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of Consuls or Vice-Consuls may not seem convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

Article XXXVI.

The Consuls, Vice-Consuls, their officers, and persons employed in their consulates, shall be exempt from all public service and from all kinds of taxes, imposts, and contributions, except those which they shall lawfully be held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected, and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

Article XXXVII.

The Consuls and Vice-Consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention, and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant vessel, the Consuls or Vice-Consuls must address themselves to the competent authority, and demand the deserters in writing, proving, by the ship's roll or other public document, that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said

vessel shall be sufficient to identify the deserters; and when the demand of the Consuls or Vice-Consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the Consuls or Vice-Consuls, or, at the request of these, shall be put in the public prisons and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other person within their respective dominions, to harbor or protect such deserters.

ARTICLE XXXVIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

ARTICLE XXXIX.

Until the conclusion of a consular convention, the high contracting parties agree that, in the absence of the legal heirs or representatives, the Consuls or Vice-Consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said Consuls or Vice-Consuls shall call in a justice of the peace, or other local authority, to assist in taking an inventory of the effects and property left by the deceased; after which, the said effects shall remain in the hands of the said Consuls or Vice-Consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective governments. And where the deceased has been engaged in commerce or other business, the Consuls or Vice-Consuls shall hold the effects and property so remaining until the expiration of twelve calendar months; during which time the creditors, if any, of the deceased, shall have the right to present their claims or demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the Consuls or Vice-Consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property, in accordance with the instructions from their own governments.

ARTICLE XL.

The United States of America and the Republic of Peru, desiring to make as durable as circumstances will permit the relations estab-

lished between the two parties in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows:

1st. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof; and, further, until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and determine.

2dly. If any citizen or citizens of either party shall infringe any of the articles of the treaty, such citizen or citizens shall be held personally responsible therefor; and the harmony and good understanding between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

3dly. Should unfortunately any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare or make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4thly. Nothing contained in this treaty shall, however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the authorization of the Congress thereof; and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these presents.

Done at the city of Lima on the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and fifty-one.

[SEAL.] J. Randolph Clay.
[SEAL.] J. Cmo. Torrico.

1856.

Convention Declaring the Principles of the Rights of Neutrals at Sea.

Concluded July 22, 1856; ratification advised by the Senate March 12, 1857; ratified by the President October 2, 1857; ratifications exchanged October 31, 1857; proclaimed November 2, 1857.

Articles.

I. Principles of neutral property rights.
II. Former treaty provisions annulled.
III. Extension of neutral rights.
IV. Accession of other countries.
V. Duration; ratification.

The United States of America and the Republic of Peru, in order to render still more intimate their relations of friendship and good understanding, and desiring, for the benefit of their respective commerce and that of other nations, to establish an uniform system of maritime legislation in time of war, in accordance with the present state of civilization, have resolved to declare, by means of a formal convention, the principles which the two Republics acknowledge as the basis of the rights of neutrals at sea, and which they recognize and profess as permanent and immutable, considering them as the true and indispensable conditions of all freedom of navigation and maritime commerce and trade.

For this purpose the President of the United States of America has conferred full powers on John Randolph Clay, their Envoy Extraordinary and Minister Plenipotentiary to the Government of Peru; and the Liberator President of the Republic of Peru has conferred like full powers on Don José Maria Seguin, Chief Officer of the Ministry of Foreign Affairs, in charge of that Department;

Who, after having exchanged their said full powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article I.

The two high contracting parties recognize as permanent and immutable the following principles:

1st. That free ships make free goods; that is to say, that the effects or merchandise belonging to a Power or nation at war, or to its citizens or subjects, are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2d. That the property of neutrals on board of an enemy's vessel is not subject to detention or confiscation, unless the same be contraband of war; it being also understood that, as far as regards the two contracting parties, warlike articles destined for the use of either of them shall not be considered as contraband of war.

The two high contracting parties engage to apply these principles to the commerce and navigation of all Powers and States as shall consent to adopt them as permanent and immutable.

ARTICLE II.

It is hereby agreed between the two high contracting parties that the provisions contained in article twenty-second of the treaty concluded between them at Lima on the twenty-sixth day of July, one thousand eight hundred and fifty-one, are hereby annulled and revoked, in so far as they militate against or are contrary to the stipulations contained in this convention; but nothing in the present convention shall in any manner affect or invalidate the stipulations contained in the other articles of the said treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, which shall remain in their full force and effect.

ARTICLE III.

The two high contracting parties reserve to themselves to come to an ulterior understanding, as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article; but they declare from this time that they will take the stipulations contained in the said article as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ARTICLE IV.

It is agreed between the two high contracting parties that all nations which shall consent to accede to the rules of the first article of this convention by a formal declaration, stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two parties signing this convention. They shall communicate to each other the result of the steps which may be taken on the subject.

ARTICLE V.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by the President of the Republic of Peru, with the authorization of the legislative body of Peru, and the ratifications shall be exchanged at Washington within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof, the Plenipotentiaries of the United States of America and the Republic of Peru have signed and sealed these presents.

Done at the city of Lima on the twenty-second day of July, in the year of our Lord one thousand eight hundred and fifty-six.

[SEAL.] J. RANDOLPH CLAY.
[SEAL.] J. M. SEGUIN.

1857.[a]

Convention Interpreting Article XII, Treaty of 1851 (Whaling Ships).

Articles.

Concluded July 4, 1857; ratification advised by the Senate April 30, 1858; ratified by the President May 7, 1858; ratification exchanged October 13, 1858; proclaimed October 14, 1858.

I. Extent of exemption from duty.
II. Articles exempted.
III. Enumerated articles free of duty.
IV. Ratification.

Certain doubts having arisen with regard to the interpretation to be given to article twelfth of the treaty of the 26th of July, 1851, as to the goods, other than oil and the produce of their fishery, that the whale-ships of the United States may land and sell, or barter, duty free, for the purpose of obtaining provisions and refitting; a concession which, in articles eighty-one and one hundred and ten of the General Commercial Regulations, is not so extensive; and it being convenient, for the advantage of the citizens of the United States employed in the whale fishery, and of the citizens of Peru, who furnish provisions, to fix, clearly and definitively, the proper meaning of the concessions stipulated in the above-mentioned article twelfth of the treaty of the 26th of July, 1851, so that while those reciprocal benefits are secured, all and every controversy in the matter may be avoided:

The Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Republic of Peru, John Randolph Clay, in virtue of his full powers, and His Excellency Doctor Don Manuel Ortiz de Zevallos, Minister of Foreign Affairs of the Republic of Peru, fully authorized to act in the premises by the Excellent Council of Ministers charged with the Government of the Republic, after having held repeated conferences, and come to a mutual understanding upon the true spirit and extent of the exemption from duties conceded to the said whale-ships in the sale and barter of their stores and merchandise, by article twelfth of the treaty of 1851, which provides:

"Article XII.

"The whale-ships of the United States shall have access to the port of Tumbez as well as to the ports of entry of Peru, and may sail from one port to another for the purposes of refreshment and refitting, and they shall be permitted to sell or barter their supplies or goods, including oil, to the amount of two hundred dollars, ad valorem, for each vessel, without paying any tonnage or harbor dues, or any duties or imposts upon the articles so sold or bartered. They shall be also permitted, with like exemption from tonnage and harbor dues, further to sell or barter their supplies or goods, including oil, to the additional amount of one thousand dollars, ad valorem,

[a] This treaty terminated December 9, 1863, with the treaty of 1851.

for each vessel, upon paying for the said additional articles the same duties as are payable upon like supplies or goods and oil when imported in the vessels and by the citizens or subjects of the most favored nations:"

Have agreed and declared:

Article I.

That the permission to the whale-ships of the United States to barter or sell their supplies and goods to the value of two hundred dollars ad valorem, without being obliged to pay port or tonnage dues, or other imposts, should not be understood to comprehend every kind of merchandise without limitation, but those only that whale-ships are usually provided with for their long voyages.

Article II.

That in the said exemption from duties of every kind are included the following articles, in addition to the produce of their fishery, viz:

White unbleached domestics.
White bleached domestics.
Wide cotton cloths.
Blue drills.
Twilled cottons.
Shirting stripes.
Ticking.
Cotton shirtings.
Prints.
Sailors' clothing of all kinds.
Soap.
Slush.
Boots, shoes, and brogans.
Axes, hatchets.
Biscuit of every kind.
Flour.
Lard.
Butter.
Rum.
Beef.
Pork.
Spermaceti and composition candles.
Canvass.
Rope.
Tobacco.

Article III.

It is also agreed upon and understood between the contracting parties, that the whale-ships of the United States may land and sell or barter, free of all duties or imposts whatsoever, the supplies and merchandise specified in the preceding article, to the amount of five hundred dollars, ad valorem, in conformity with article 81 of the General Commercial Regulations; but for every additional quantity from five hundred dollars to one thousand dollars, ad valorem, the exemption shall only extend to port and tonnage dues.

Article IV.

The stipulations in this convention shall have the same force and effect as if inserted, word for word, in the treaty concluded in Lima on the 26th of July, 1851, and of which they shall be deemed and considered as explanatory. For which purpose the present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the Executive Power of the Republic of Peru, with

the authorization of the national Peruvian legislature; and the ratifications shall be exchanged in Washington in as short a time as possible.

In faith whereof, the above-named plenipotentiaries have signed, in quadruplicate, this convention, explanatory of the treaty of the twenty-sixth of July, one thousand eight hundred and fifty-one, and have hereunto affixed their seals.

Done at Lima, the fourth day of July, in the year of our Lord one thousand eight hundred and fifty-seven.

[SEAL.] J. RANDOLPH CLAY.
[SEAL.] MANUEL ORTIZ DE ZEVALLOS.

1862.[a]

CLAIMS CONVENTION.

Concluded December 20, 1862; ratification advised by the Senate February 18, 1863; ratified by the President February 24, 1863; ratifications exchanged April 21, 1863; proclaimed May 19, 1863.

ARTICLES.

I. Arbitrator.
II. Invitation to arbitrator.
III. Time of submission of documents.
IV. Finality of decision.
V. Ratification.

Whereas differences having arisen between the United States of America and the Republic of Peru, originating in the capture and confiscation by the latter of two ships belonging to citizens of the United States, called the "Lizzie Thompson" and "Georgiana;" and the two Governments not being able to come to an agreement upon the questions involved in said capture and confiscation, and being equally animated with the desire to maintain the relations of harmony which have always existed, and which it is desirable to preserve and strengthen between the two Governments, have agreed to refer all the questions, both of law and fact, involved in the capture and confiscation of said ships by the Government of Peru, to the decision of some friendly Power; and it being now expedient to proceed to and regulate the reference as above described, the United States of America and the Republic of Peru have for that purpose named their respective Plenipotentiaries, that is to say:

The President of the United States has appointed Christopher Robinson, their Envoy Extraordinary and Minister Plenipotentiary to Peru, and the President of Peru Dr. José Gregorio Paz Soldan, Minister of State in the office of Foreign Relations and President of the Council of Ministers;

Who, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

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[a] The claims referred to in the foregoing convention were referred to the King of Belgium, who declined to act, and the cases were dropped.

ARTICLE I.

The two contracting parties agree in naming as arbiter, umpire, and friendly arbitrator, His Majesty the King of Belgium, conferring upon him the most ample power to decide and determine all the questions, both of law and fact, involved in the proceedings of the Government of Peru in the capture and confiscation of the ships "Lizzie Thompson" and "Georgiana."

ARTICLE II.

The two contracting parties will adopt the proper measures to solicit and obtain the assent of His Majesty the King of Belgium to act in the office hereby conferred upon him.

After His Majesty the King of Belgium shall have declared his assent to exercise the office of arbiter, the two contracting parties will submit, through their diplomatic agents residing at Brussels, to His Majesty copies of all the correspondence, proofs, papers, and documents which have passed between the two Governments or their respective representatives; and should either party think proper to present to said arbiter any other papers, proofs, or documents in addition to those above mentioned, the same shall be communicated to the other party within four months after the ratification of this convention.

ARTICLE III.

Both parties being equally interested in having a decision upon the questions hereby submitted, they agree to deliver to the said arbiter all the documents referred to in the second article within six months after he shall have signified his consent to act as such.

ARTICLE IV.

The sentence or decision of said arbiter, when given, shall be final and conclusive upon all the questions hereby referred, and the contracting parties hereby agree to carry the same into immediate effect.

ARTICLE V.

This convention shall be ratified and the ratifications exchanged in the term of six months from the date hereof.

In faith whereof the Plenipotentiaries of the two Governments have signed and sealed, with their respective seals, the present convention.

Done in the city of Lima, in duplicate, on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty-two.

[SEAL.] CHRISTOPHER ROBINSON.
[SEAL.] JOSÉ G. PAZ SOLDAN.

1863.

Claims Convention.

Concluded January 12, 1863; ratification advised by the Senate, with amendment, February 18, 1863; ratified by the President February 24, 1863; ratifications exchanged April 18, 1863; proclaimed May 19, 1863.

Articles.

I. Claims.
II. Umpire.
III. Meeting.
IV. Procedure.
V. No appeal from decision.
VI. Execution of decision.
VII. Secretary.
VIII. Finality of decision.
IX. Expenses.
X. Ratification.

The United States of America and the Republic of Peru, desiring to settle and adjust amicably the claims which have been made by the citizens of each country against the Government of the other, have agreed to make arrangements for that purpose by means of a convention, and have named as their Plenipotentiaries to confer and agree thereupon as follows:

The President of the United States, Christopher Robinson, Envoy Extraordinary and Minister Plenipotentiary of said States to Peru, and the President of Peru, Dr. José Gregorio Paz Soldan, the Minister of Foreign Relations and President of the Council of Ministers;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed as follows:

Article I.

All claims of citizens of the United States against the Government of Peru, and of citizens of Peru against the Government of the United States, which have not been embraced in conventional or diplomatic agreement between the two Governments or their Plenipotentiaries, and statements of which, soliciting the interposition of either Government, may, previously to the exchange of the ratifications of this convention, have been filed in the Department of State at Washington, or the Department of Foreign Affairs at Lima, shall be referred to a mixed commission composed of four members, appointed as follows: Two by the Government of the United States, and two by the Government of Peru. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner ceasing to act, the Government of the United States, or its Envoy Extraordinary and Minister Plenipotentiary in Peru, acting under its direction, or that of the Republic of Peru, shall forthwith proceed to fill the vacancy thus occasioned.

Article II.

The Commissioners so named shall immediately after their organisation, and before proceeding to any other business, proceed to name a fifth person to act as an arbitrator or umpire in any case or cases in which they themselves differ in opinion.

ARTICLE III.

The Commissioners appointed as aforesaid shall meet in Lima within three months after the exchange of the ratifications of this convention; and each one of the Commissioners, before proceeding to any business, shall take an oath, made and subscribed before the most Excellent Supreme Court, that they will carefully examine and impartially decide, according to the principles of justice and equity, the principles of international law and treaty stipulations, upon all the claims laid before them under the provisions of this convention, and in accordance with the evidence submitted on the part of either Government. A similar oath shall be taken and subscribed by the person selected by the Commissioners as arbitrator or umpire, and said oaths shall be entered upon the record of the proceedings of said commission.

ARTICLE IV.

The arbitrator or umpire being appointed, the Commissioners shall without delay, proceed to examine and determine the claims specified in the first article, and shall hear, if required, one person in behalf of each Government on each separate claim. Each government shall furnish, at the request of either of the Commissioners, the papers in its possession which may be important to the just determination of any of the claims referred.

ARTICLE V.

From the decision of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of their claims as to the amount of indemnification that may be adjudged to the claimants; and in case the Commissioners cannot agree, the points of difference shall be referred to the arbitrator or umpire, before whom the Commissioners may be heard, and his decision shall be final.

ARTICLE VI.

The decision of the mixed commission shall be executed without appeal by each of the contracting parties, and it shall be the duty of the Commissioners to report to the respective Governments the result of their proceedings; and if the decision of said Commissioners require the payment of indemnities to any of the claimants, the sums determined by the said Commissioners shall be paid by the Government against which they are awarded within one month after said Government shall have received the report of said Commissioners; and for any delay in the payment of the sum awarded after the expiration of said month, the sum of six per cent. interest shall be paid during such time as said delay shall continue.

ARTICLE VII.

For the purpose of facilitating the labors of the mixed commission, each Government shall appoint a secretary to assist in the transaction

of their business and to keep a record of their proceedings, and for the conduct of their business said commissioners are authorised to make all necessary rules.

ARTICLE VIII.

The decisions of this Commission, or of the umpire in case of a difference between the Commissioners, shall be final and conclusive, and shall be carried into full effect by the two contracting parties. The Commission shall terminate its labors in six months from and including the day of its organization; provided, however, if at the time stipulated for the termination of said Commission any case or cases should be pending before the umpire and awaiting his decision, it is understood and agreed by the two contracting parties that said umpire is authorised to proceed and make his decision or award in such case or cases; and upon his report thereof to each of the two Governments, mentioning the amount of indemnity, if such shall have been allowed by him, such award shall be final and conclusive in the same manner as if it had been made by the Commissioners under their own agreement; provided that said decision shall be made by said umpire within thirty days after the final adjournment of said Commission, and at the expiration of the said thirty days the power and authority hereby granted to said umpire shall cease.

ARTICLE IX.

Each Government shall pay its own Commissioners and secretary, but the umpire shall be paid, one-half by the Government of the United States and one-half by the Republic of Peru.

ARTICLE X.

The present convention shall be ratified, and the ratifications thereof shall be exchanged in the term of four months from the date hereof.

In faith whereof, the respective Plenipotentiaries have signed the same and affixed their respective seals.

Done in the city of Lima this twelfth day of January, in the year of our Lord one thousand eight hundred and sixty-three.

[SEAL.] CHRISTOPHER ROBINSON.
[SEAL.] JOSÉ G. PAZ SOLDAN.

The Commission referred to in the foregoing Convention met at Lima, July 17, 1863, and completed its duties November 27, 1863. The awards against the United States were $25,300 and against Peru $57,196.23.

1868.

Claims Convention.

Concluded December 4, 1868; ratification advised by the Senate April 15, 1869; ratified by the President May 3, 1869; ratifications exchanged June 4, 1869; proclaimed July 6, 1869.

Articles.

I. Claims commissioners; umpire.
II. Procedure.
III. Time for presentation.
IV. Payment of awards.
V. Finality of decision.
VI. Salaries.
VII. Ratification.
VIII. Precedent for future claims.

Whereas claims may have, at various times since the signature of the decisions of the mixed commission which met in Lima in July, 1863, been made upon the Government of the United States America, by citizens of Peru, and have been made by citizens of the United States of America on the Government of Peru; and whereas some of such claims are still pending: The President of the United States of America and the President of Peru, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a convention, and have named as their Plenipotentiaries to confer and agree thereupon, that is to say:

The President of the United States names Alvin P. Hovey, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of Peru; and the President of Peru names His Excellency Doctor Don José Antonio Barrenechea, Minister of Foreign Affairs of Peru;

Who after having communicated to each other their respective full powers, found in good and true form, have agreed as follows:

Article I.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Peru, and all claims on the part of corporations, companies, or private individuals, citizens of Peru, upon the Government of the United States, which may have been presented to either government for its interposition since the sittings of the said mixed commission, and which remain yet unsettled, as well as any other claims which may be presented within the time specified in Article III hereinafter, shall be referred to the two Commissioners, who shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, and one by the President of Peru. In case of the death, absence, or incapacity of either Commissioner, or in the event of either Commissioner omitting or ceasing to act as such, the President of the United States or the President of Peru, respectively, shall forthwith name another person to act as Commissioner in the place or stead of the Commissioner already named. The Commissioners so named shall meet at Lima at their earliest convenience after they have been respectively named, not to exceed three months from the ratification of this convention, and shall, before proceeding to any business, make and subscribe a solemn

declaration that they will impartially and carefully examine and decide to the best of their judgment, and according to justice and equity, without fear, favor, or affection to their own country, upon all such claims as shall be laid before them on the part of the Governments of the United States and Peru, respectively, and such declarations shall be entered on the record of the Commission.

The Commissioners shall then, and before proceeding to other business, name some third person of some third nation to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person of a third nation, and in each and every case in which the Commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in that particular case. The person or persons so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall have already been made and subscribed by the Commissioners, which shall be entered upon the records of their proceedings. In the event of the death, absence, or incapacity of such person or persons, or of his or their omitting or declining, or ceasing to act as such Arbitrator or Umpire, another and different person shall be named as aforesaid to act as such Arbitrator or Umpire in the place and stead of the person so originally named as aforesaid, and shall make and subscribe such declaration as aforesaid.

ARTICLE II.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to their notice. They shall investigate and decide upon such claims in such order and in such manner as they may conjointly think proper, but upon such evidence or information as shall be furnished by or on behalf of their respective Governments. They shall be bound to receive and peruse all written documents or statements which may be presented to them by or on behalf of their respective Governments, in support of or in answer to any claim, and to hear, if required, one person on each side on behalf of each Government as Counsel or Agent for such Government, on each and every separate claim. Should they fail to agree in opinion on any individual claim, they shall call to their assistance the Arbitrator or Umpire whom they have agreed to name, or who may be determined by lot, as the case may be, and such Arbitrator or Umpire, after having examined the evidence adduced for and against the claim, and after having heard, as required, one person on each side, as aforesaid, and consulted with the Commissioners, shall decide thereupon finally and without appeal. The decision of the Commissioners and of the Arbitrator or Umpire shall be given upon each claim in writing, and shall be signed by them respectively. It shall be competent for each Government to name one person to attend the Commissioners as agent on its behalf, and to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof.

The President of the United States, and the President of Peru, hereby solemnly and sincerely engage to consider the decision of

the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive upon each claim decided upon by them or him, respectively, and to give full effect to such decisions, without any objections, evasion, or delay whatsoever. It is agreed that no claim arising out of any transaction of a date prior to the 30th of November, 1863, shall be admissible under this convention.

ARTICLE III.

Every claim shall be presented to the Commissioners within two months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of the Arbitrator or Umpire, in the event of the Commissioners differing in opinion thereon, and then and in every such case the period for presenting the claim may be extended to any period not exceeding one month longer.

The Commissioners shall be bound to examine and decide upon every claim within six months from the day of their first meeting.

ARTICLE IV.

All sums of money which may be awarded by the Commissioners, or by the Arbitrator or Umpire, on account of any claim, shall be paid by the one Government to the other, as the case may be, within four months after the date of the decision, without interest, and without any deduction, save as specified in Article VI, hereinafter.

ARTICLE V.

The high contracting parties agree to consider the result of the proceedings of this Commission as a full, perfect, and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Commissioners, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, barred, and therefore inadmissible.

ARTICLE VI.

The salaries of the Commissioners shall not exceed forty-five hundred dollars in United States gold coin each, yearly. Those of the secretaries and Arbitrator or Umpire shall be determined by the Commissioners; and in case the said Commission finish its labors in less than six months, the Commissioners, together with their assistants, will be entitled to six months' pay, and the whole expenses of the Commission shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded. The deficiency, if any, shall be defrayed by the two Governments in moieties.

ARTICLE VII.

The present convention shall be ratified by the President of the United States, by and with the consent of the Senate thereof, and by the President of Peru, with the approbation of the Congress of that

Republic, and the ratifications will be exchanged in Lima, as soon as may be, within six months of the date hereof.

ARTICLE VIII.

The high contracting parties declare that this convention shall not be considered as a precedent obligatory on them, and that they remain in perfect liberty to proceed in the manner that may be deemed most convenient regarding the diplomatic claims that may arise in the future.

In witness whereof the respective Plenipotentiaries have signed the same in the English and Spanish languages, and have affixed thereto the seals of their arms.

Done in Lima the fourth day of December, in the year of our Lord one thousand eight hundred and sixty-eight.

[SEAL.] ALVIN P. HOVEY.
[SEAL.] J. A. BARRENECHEA.

The commission referred to in the foregoing convention met at Lima, September 4, 1869, and adjourned February 26, 1870. The awards against the United States were $57,040, and against Peru, $194,417.62.

1870.[a]

TREATY OF FRIENDSHIP, COMMERCE, AND NAVIGATION.

Concluded September 6, 1870; ratification advised by the Senate March 31, 1871; ratified by the President April 11, 1871; time for exchange of ratifications extended June 5, 1873; ratifications exchanged May 28, 1874; proclaimed July 27, 1874.

ARTICLES.

I. Amity.
II. Liberty of commerce and navigation.
III. Most favored nation.
IV. Discrimination on vessels.
V. Discrimination on account of nationality of vessels.
VI. Discrimination on account of nationality of imports.
VII. Discrimination in duties.
VIII. Coasting trade.
IX. Steam vessels.
X. Peruvian vessels.
XI. Reciprocal privileges in business.
XII. Disposal of property.
XIII. Shipwrecks.
XIV. Asylum for vessels.
XV. Property captured by pirates.
XVI. Protection of persons and property.
XVII. Religious liberty.
XVIII. Trading from enemy's ports.
XIX. Property of neutrals.
XX. Contraband.
XXI. Siege; blockade.
XXII. Vessels carrying contraband.
XXIII. Blockaded ports.
XXIV. Visitation and search.
XXV. Sea letters.
XXVI. Vessels under convoy.
XXVII. Prize courts.
XXVIII. Letters of marque.
XXIX. Residence in war.
XXX. Confiscation of property in war.
XXXI. Ministers.
XXXII. Consuls.
XXXIII. Exemption of consuls.
XXXIV. Deserters.
XXXV. Consular convention.
XXXVI. Property of deceased citizens.
XXXVII. Claims.
XXXVIII. Duration; ratification.

The United States of America and the Republic of Peru, being equally animated with the desire to render firm and permanent the

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[a] This treaty was terminated on notice given by Peru March 31, 1886. See treaty of 1887.

peace and friendship which have always so happily subsisted between them, and to place their commercial relations upon the most liberal basis, have resolved to fix clear and precise rules which shall in future be religiously observed between the two nations by means of a treaty of friendship, commerce and navigation. To attain this desirable object, the President of the United States of America has conferred full powers on Alvin P. Hovey, the accredited Envoy Extraordinary and Minister Plenipotentiary of the said States to the Government of Peru, and the President of Peru has conferred like full powers upon Doctor José Jorge Loayza, Minister of Foreign Affairs, who, after exchanging their respective full powers, found to be in good and due form, have agreed upon, and concluded the following articles.

Article I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people and citizens, without distinction of persons or places.

Article II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either republic may frequent with their vessels, all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territory of either, and occupy the dwellings and warehouses which they may require; and everything belonging thereto shall be respected, and shall not be subject to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail stores and shops under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing: they shall not be called upon for any forced loan or extraordinary contribution, for any military expedition, or for any public purpose whatever, nor shall they be liable to any embargo, or be detained with their vessels, cargoes, merchandise, goods or effects, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

Article III.

The two high contracting parties hereby bind, and engage themselves not to grant any favor, privilege, or immunity whatever, in matters of commerce and navigation, to other nations, which shall

not be immediately extended also to the citizens of the other contracting party, who shall enjoy the same gratuitously if the concession shall have been gratuitous, or on giving a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

ARTICLE IV.

No higher or other duties or charges on account of tonnage, lighthouses or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru on vessels of the United States than those payable in the same ports by Peruvian vessels: nor in any of the ports of the United States by Peruvian vessels than shall be payable in the same ports by vessels of the United States.

ARTICLE V.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels, may also be so imported in vessels of the other party without paying other or higher duties or charges of any kind or denomination whatever than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges. It is expressly understood that the stipulations in this and the preceding articles are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain or from the ports of any other nation.

ARTICLE VI.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article, the produce, growth, or manufacture of the other party, than are or shall be payable on the like article being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article the produce, growth, or manufacture of either party into the ports or territories of the other, which shall not equally extend to all other nations.

ARTICLE VII.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties and allowances whether the same merchandise and articles of commerce be exported in vessels of the one party, or in vessels of the other party.

ARTICLE VIII.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another situated in the territories of either contracting party, the regulation of such navigation and trade being reserved, respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outwards.

ARTICLE IX.

The Republic of Peru desiring to increase the intercourse along its coasts by means of steam navigation hereby engages to accord to any citizen or citizens of the United States who may establish a line of steam vessels to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and work shops for repairing and refitting the steam vessels, and all other favors enjoyed by any other association or company whatsoever. It is furthermore understood between the two high contracting parties that the steam vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company.

ARTICLE X.

For the better understanding of the preceding articles, and taking into consideration the actual state of the commercial marine of Peru, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizens of the said republic and of which the captain is also a citizen of the same, though the construction of the crew is or may be foreign, shall be considered, for all of the objects of this treaty, as a Peruvian vessel.

ARTICLE XI.

The merchants, commanders or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs in all the ports and places within the jurisdiction of the other, or to commit their business and affairs, to the management of any person whom they may choose to appoint, as agent factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any

salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

Article XII.

The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal and real estate and effects, of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their heirs or representatives, being citizens of the other party, shall succeed to the said personal and real estate and effects, whether by testament or *ab intestato*, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the citizens of the country wherein said estate and effects may be, shall be subject to pay in like cases.

Article XIII.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict on or near the coasts, within the territories of the other, all assistance and protection shall be given to such vessel and her crew, and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof if sold, shall be faithfully restored to the owners or their agents they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in like case, by national vessels, and it shall be permited for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost, or contribution whatever, provided the same be exported.

Article XIV.

When through stress of weather want of water or provision, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war, (public or private) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays and dominions of the other, they shall be received and treated with humanity: sufficient time shall be allowed for the completion of repairs: and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed either in whole or in part: all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance.

ARTICLE XV.

All vessels, merchandise and effects belonging to the citizens of either of the high contracting parties, which may be captured by pirates either on the high seas, or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners or their agents, they proving in due and proper form, their rights before the competent tribunals, it being understood that the claim thereto shall be made within two years, by the owners themselves, their agents, or agents of the respective Governments.

ARTICLE XVI.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction: they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be: and they shall be at liberty to employ, in all causes, the advocates, attorneys, notaries or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases *flagrantis delicti;* and they shall in all cases be brought before a magistrate, or other legal authority for examination within twenty-four hours after arrest; and if not so examined the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated during their imprisonment with humanity, and no unnecessary severity shall be exercised toward them.

ARTICLE XVII.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other, shall be buried in the usual burying grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

ARTICLE XVIII.

The citizens of the United States of America and of the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, the enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise from the ports and places of the enemies of both parties, or of one of them, without any hin-

drance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or of several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they be the enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle: but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the propery of enemies whose Governments acknowledge this principle, and not that of others.

Article XIX.

When the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, in virtue of the preceding article, neutral property found on board enemies' vessels shall likewise be considered as enemies' property, and shall be subject to detention and confiscation, unless it shall have been put on board before the declaration of war, or even afterwards, if it were done without the knowledge of such declaration: but the contracting parties agree that ignorance cannot be alleged after the lapse of six months from the declaration of war. On the contrary, in those cases where the flag of the neutral does not protect enemies' property which may be found on board, the goods or merchandise of the neutral embarked in enemies' vessels shall be free.

Article XX.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended:

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, matches, balls, torpedoes, and everything belonging to the use of these arms.
2. Bucklers, helmets, breast-plates, coats of mail, accoutrements and clothes made up in military form, and for military use.
3. Cavalry belts and horses, with their harnesses.
4. And generally all offensive and defensive arms made of iron, steel, brass, copper, or of any other material, prepared and formed to make war by land or at sea.

Article XXI.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be

held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded: and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

Article XXII.

The articles of contraband or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation; but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port, for trial and judgment, according to law.

Article XXIII.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by a commanding officer of a vessel forming part of the blockading forces, she again attempts to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor if found therein before or after the reduction or surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution: but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place, shall take on board a cargo after the blockade be established and attempt to depart, she may be warned by the blockading forces to return to the blockaded port, and discharge the said cargo: and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

ARTICLE XXIV.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed, mutually, that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property: for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

ARTICLE XXV.

Both contracting parties likewise agree that when one of them shall be engaged in war the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner and master, or captain thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessel, being laden, besides the said sea-letters, patents, or passports shall be provided with manifests or certificates containing the particulars of the cargo, and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles: which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed: without which requisites the vessel may be detained, to be adjudged by the competent tribunals, and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

ARTICLE XXVI.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy: for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXVII.

It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

ARTICLE XXVIII.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission, or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

ARTICLE XXIX.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties residing in the cities, ports and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property so long as they conduct themselves peaceably and properly, and commit no offense against the laws. And in case their acts should render them justly suspected, and having thus forfeited this privilege, the respective Governments should order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs, and remove with their families, effects, and property: to which end the necessary safe-conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark, but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove, forthwith, to such places in the interior as may be designated.

ARTICLE XXX.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds, or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case be sequestrated or confiscated.

ARTICLE XXXI.

The high contracting parties, desiring to avoid all inequality in their public communications, and official intercourse, agree to grant to their envoys, ministers, chargés d'affaires and other diplomatic agents, the same favors, privileges, immunities and exemptions, that those of the most favored nation do or shall enjoy, it being understood that the favors privileges immunities and exemptions granted by the one party to the envoys, ministers, chargés d'affaires, or other diplomatic agents of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

ARTICLE XXXII.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges, and immunities of the consuls and vice-consuls of the most favored nation: but to enjoy the rights, prerogatives and immunities which belong to them in virtue of their public character, the consuls and vice-consuls shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form: in order to receive their exequatur, after receiving which they shall be acknowledged, in their official characters by the authorities, magistrates and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls and vice-consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

ARTICLE XXXIII.

The consuls, vice-consuls, their officers and persons employed in their consulates shall be exempt from all public service, and from all kinds of taxes, imposts and contributions except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected, and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

ARTICLE XXXIV.

The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside, for the arrest, detention and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the

deserters in writing, proving by the ship's roll, or other public document, that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to indentify the deserters: and when the demand of the consuls, or vice-consuls, shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice-consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority, or other persons within their respective dominions, to harbor or protect such deserters.

ARTICLE XXXV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as may be mutually convenient, a consular convention, which shall declare specially the powers, and immunities of the consuls and vice-consuls of the respective parties.

ARTICLE XXXVI.

Until the conclusion of a consular convention the high contracting parties agree that, in the absence of the legal heirs or representatives, the consuls or vice-consuls of either party shall be *ex officio* the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea, whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace, or some other judicial authority, to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice-consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective Governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months; during which time the creditors, if any, of the deceased shall have the right to present their claims and demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that, if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate, and dispose of the effects and property, in accordance with the instructions from their own Governments.

ARTICLE XXXVII.

As a consequence of the principles of equality herein established, in virtue of which the citizens of each one of the high contracting parties enjoy in the territory of the other, the same rights as natives, and receive from the respective Governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims preferred have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

ARTICLE XXXVIII.

The United States of America and the Republic of Peru desiring to make as durable as possible the relations established between the two parties in virtue of this treaty of friendship, commerce and navigation, declare solemnly and agree as follows:

1st. The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party as above mentioned, this treaty shall altogether cease and terminate.

2d. If any citizen or citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor and the harmony and good understanding between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

3d. Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare nor make war against the other, on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. Nothing contained in this treaty shall however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce and navigation shall be approved and ratified by the President of the United States by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru with the approbation of the Congress

thereof, and the ratifications shall be exchanged at Washington or Lima within eighteen months from the date of the signature hereof, or sooner if possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of the Republic of Peru, have signed and sealed these presents.

Done at the city of Lima, in duplicate English and Spanish this the sixth day of September in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] ALVIN P. HOVEY.
[SEAL.] JOSÉ J. LOAYZA.

1870.[a]

EXTRADITION CONVENTION.

Concluded September 12, 1870; ratification advised by the Senate March 31, 1871; ratified by the President April 11, 1871; time for exchange of ratifications extended June 5, 1873; ratifications exchanged May 28, 1874; proclaimed July 27, 1874.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Mode of precedure.
V. Accused not citizen of either country.
VI. Extradition delayed.
VII. Summary proceeding.
VIII. Expenses.
IX. Duration.
X. Ratification.

The United States of America and the Republic of Peru, having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for this purpose, and have named as their respective Plenipotentiaries, that is to say: the President of the United States of America has appointed Alvin P. Hovey, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near the Government of the Republic of Peru; and the President of Peru has appointed His Excellency Doctor José Loayza, Minister of Foreign Affairs of Peru; who, after having communicated to each other their respective full powers, found in good and true form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the contracting parties shall, on requisitions made in their name through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused or convicted of the crimes enumerated in Article II of the present treaty, com-

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[a] This treaty was terminated March 31, 1886, on notice given by Peru. Ker *v.* Illinois (119 U. S., 436), ex parte Ker (18 Fed Rep., 167). See extradition, 1899, page 1445.

mitted within the jurisdiction of the requiring party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country in which the fugitive or the person so accused shall be found would justify his or her apprehension and commitment for trial if the crime had been there committed.

Article II.

Persons shall be so delivered up who shall be charged, according to the provisions of this treaty, with any of the following crimes, whether as principals, accessories, or accomplices, to wit:

1. Murder, comprehending the crimes of parricide, assassination, poisoning, and infanticide.
2. Rape, abduction by force.
3. Bigamy.
4. Arson.
5. Kidnapping, defining the same to be the taking or carrying away of a person by force or deception.
6. Robbery, highway robbery, larceny.
7. Burglary, defined to be the action of breaking and entering by night-time into the house of another person with the intent to commit a felony.
8. Counterfeiting or altering money, the introduction or fraudulent commerce of and in false coin and money; counterfeiting the certificates or obligations of the Government, of bank-notes, and of any other documents of public credit, the uttering and use of the same; forging or altering judicial judgments or decrees of the Government or courts, of the seals, dies, postage-stamps, and revenue-stamps of the Government, and the use of the same; forging public and authentic deeds and documents, both commercial and of banks, and the use of the same.
9. Embezzlement of public moneys committed within the jurisdiction of either party by public officers or bailees, and embezzlement by any persons hired or salaried.
10. Fraudulent bankruptcy.
11. Fraudulent barratry.
12. Mutiny on board of a vessel, when the persons who compose the crew have taken forcible possession of the same or have transferred the ship to pirates.
13. Severe injuries intentionally caused on railroads, to telegraph lines, or to persons by means of explosion of mines or steam-boilers.
14. Piracy.

Article III.

The provisions of the present treaty shall not be applied in any manner to any crime or offense of a purely political character, nor shall the provisions of the present treaty be applied in any manner to the crimes enumerated in the second article committed anterior to the date of the exchange of the ratification hereof. Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this treaty.

ARTICLE IV.

The extradition will be granted in virtue of the demand made by the one Government on the other, with the remission of a condemnatory sentence, an order of arrest, or of any other process equivalent to such order, in which will be specified the character and gravity of the imputed acts, and the dispositions of the penal laws relative to the case. The documents accompanying the demand for extradition shall be originals or certified copies, legally authorized by the tribunals or by a competent person. If possible, there shall be remitted at the same time a descriptive list of the individual required, or any other proof towards his identity.

ARTICLE V.

If the person accused or condemned is not a citizen of either of the contracting powers, the Government granting the extradition will inform the Government of the country to which the accused or condemned may belong of the demand made, and if the last-named Government reclaims the individual on its own account for trial in its own tribunals, the Government to which was made the demand of extradition may, at will, deliver the criminal to the State in whose territories the crime was committed, or to that to which the criminal belongs. If the accused or sentenced person whose extradition may be demanded, in virtue of the present convention, from one of the contracting parties, should at the same time be the subject of claims from one or other Governments simultaneously for crimes or misdemeanors committed in their respective territories, he or she shall be delivered up to that Government in whose territories the offense committed was of the gravest character; and when the offenses are of like nature and gravity, the delivery will be made to the Government making the first demand; and if the dates of the demands be the same, that of the nation of which the criminal may belong will be preferred.

ARTICLE VI.

If the person claimed is accused or sentenced in the country where he may have taken refuge, for a crime or misdemeanor committed in that country, his delivery may be delayed until the definitive sentence releasing him be pronounced, or until such time as he may have complied with the punishment inflicted on him in the country where he took refuge.

ARTICLE VII.

In cases not admitting of delay, and especially in those where there is danger of escape, each of the two Governments, authorized by the order for apprehension, may, by the most expeditious means, ask and obtain the arrest of the person accused or sentenced, on condition of presenting the said order for apprehension as soon as may be possible, not exceeding four months.

ARTICLE VIII.

All expenses whatever of detention and delivery effected in virtue of the preceding provisions shall be borne and defrayed by the Government in whose name the requisition shall have been made.

ARTICLE IX.

This treaty shall commence from the date of the exchange of the ratifications, and shall continue in force until it shall be abrogated by the contracting parties or one of them; but it shall not be abrogated, except by mutual consent, unless the party desiring to abrogate it shall give twelve months' previous notice.

ARTICLE X.

The present treaty shall be ratified in conformity with the constitutions of the two countries, and the ratifications shall be exchanged at the cities of Washington or Lima, within eighteen months from the date hereof, or sooner if possible.

In witness whereof we, the Plenipotentiaries of the United States of America and the Republic of Peru, have signed and sealed these presents.

Done in the city of Lima, in duplicate, English and Spanish, this the twelfth day of September, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] ALVIN P. HOVEY.
[SEAL.] JOSÉ J. LOAYZA.

1873.

AGREEMENT EXTENDING TIME OF RATIFICATION OF TREATIES OF FRIENDSHIP, COMMERCE AND NAVIGATION, AND EXTRADITION, RESPECTIVELY.

Concluded June 5, 1873.

AGREEMENT.

In Lima the 5th day of June 1873, being united in conference in the Office of the Minister of Foreign Relations, José de la Riva Aguero, Minister of Foreign Relations, for the Republic of Peru, and Francis Thomas, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Peru; and having taken into consideration the Treaty of Friendship, Commerce and Navigation, and the Treaty of Extradition of Criminals, entered into between the two countries, which have been approved by the Congress of Peru, only wanting for their completion, that they should be approved by the Senate of the United States, it was mutually agreed by us as follows, To extend the time for exchanging of ratifications of the Treaty of Friendship, Commerce and Navigation, and the Treaty of Extradition of Criminals agreed upon by the Republic of Peru, and the United States of America, respectively, on the 6th and 12th day of September 1870, until nine months after the Senate of the United States of America shall have given their approbation.

In Testimony whereof we the undersigned have signed this agreement in Duplicate one copy in English and one copy in Spanish and sealed the same with our respective Seals.

[SEAL] FRANCIS THOMAS
[SEAL] J. DE LA RIVA AGUERO

1887.[a]

Treaty of Friendship, Commerce, and Navigation.

Concluded August 31, 1887; ratification advised by the Senate with amendment May 10, 1888; ratified by the President June 6, 1888; ratifications exchanged October 1, 1888; proclaimed November 7, 1888.

Articles.

I. Friendship.
II. Freedom of commerce, trade, etc.
III. No discriminating shipping charges.
IV. No discriminations against vessels.
V. Import duties.
VI. Export charges.
VII. Coasting trade.
VIII. Special privileges to steamship lines in Peru.
IX. Nationality of vessels.
X. Trade privileges.
XI. Property rights.
XII. Shipwrecks; salvage.
XIII. Asylum to ships in distress.
XIV. Captures by pirates.
XV. Protection of personal and property rights.
XVI. Religious liberty.
XVII. Rights of neutrals.
XVIII. Contraband articles.
XIX. Free goods; blockades.
XX. Detention of contraband goods, etc.
XXI. Notice, etc., of blockades.
XXII. Visit of neutral ships.
XXIII. Sea letters, etc., in case of war.
XXIV. Ships under convoy.
XXV. Prize courts, etc.
XXVI. Letters of marque.
XXVII. Rights in case of war.
XXVIII. Exemption from confiscation, etc.
XXIX. Diplomatic privileges.
XXX. Consular officers.
XXXI. Consular privileges.
XXXII. Deserters from ships.
XXXIII. Estates of deceased citizens.
XXXIV. Claims against the Governments.
XXXV. Duration; infringements; restrictions; ratification.

The United States of America and the Republic of Peru, being mutually animated with the desire, to render permanent the friendly relations which happily have always subsisted between them, and to place their international intercourse upon the most liberal basis, have resolved to fix clear rules for their future guidance, through the formation of a treaty of friendship, commerce, and navigation. To attain this purpose, the President of the United States of America has conferred full powers on Charles W. Buck, Envoy Extraordinary and Minister Plenipotentiary of said Government, to the Government of Peru, and the President of Peru has conferred like full powers upon Señor Don Cárlos M. Elias, Minister of Foreign Relations—who, after comparing their respective powers, found to be in proper form, have agreed upon the following articles:

Article I.

There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Peru, and between their respective territories, people, and citizens, without distinction of persons or places.

[a] This treaty terminated November 1, 1899, by notification from Peru October 8, 1898.

ARTICLE II.

The United States of America and the Republic of Peru mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either Republic may frequent with their vessels all the coasts, ports, and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territory of either, and occupy the dwellings and warehouses which they may require, subject to the existing laws; and everything pertaining thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures, and produce not prohibited to all, and to open retail and wholesale stores and shops under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or extraordinary contribution for any military expedition, or for any public purpose whatever, nor shall they be liable to any embargo, or be detained with their vessels, cargoes, merchandise, goods, or effects, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ARTICLE III.

No higher or other duties, or charges on account of tonnage, lighthouses or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Peru, on vessels of the United States, than those payable in the same ports by Peruvian vessels, nor in any of the ports of the United States on Peruvian vessels, than shall be payable in the same ports by vessels of the United States.

ARTICLE IV.

All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels may also be so imported in vessels of the other party without paying other or higher duties or charges, of any kind or denomination whatever, than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the said duties or charges. It is expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels, and their cargoes, belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the ports of any other nation.

ARTICLE V.

No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of either of the high contracting parties of any article, the produce, growth, or manufacture of the other party, than are, or shall be, payable on the like article, being the produce, growth, or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article, the produce, growth, or manufacture of either party, into the ports or territories of the other, which shall not equally extend to all other nations.

ARTICLE VI.

All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties, and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party or in vessels of the other party.

ARTICLE VII.

It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territories of either contracting party, the regulation of such navigation and trade being reserved respectively by the parties according to their own separate law. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port or ports of the same territories open to foreign commerce, without paying other or higher tonnage-dues or port-charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

ARTICLE VIII.

The Republic of Peru, desiring to increase the intercourse along its coasts by means of steam-navigation, hereby engages to accord to any citizen or citizens of the United States, who may establish a line of steam-vessels to navigate regularly between the different ports of entry within the Peruvian territories, the same privileges of taking in and landing freight and cargo, entering the by-ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and work-shops for repairing and refitting the steam-vessels, and all other favors enjoyed by any other association or company whatsoever. It is further more understood between the two high contracting parties that the vessels of either shall not be subject in the ports of the other party to any duties of tonnage, harbor, or other similar duties whatsoever, than those that are or may be paid by any other association or company as provided by law current at the time of application.

ARTICLE IX.

For the better understanding of the preceding articles, it is stipulated and agreed that every vessel belonging exclusively to a citizen or citizen's of either country, and flying the flag of said country, shall be considered as a vessel of that country.

ARTICLE X.

The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise and articles of commerce, as to the purchase of their returns, unloading, loading, and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

ARTICLE XI.

The citizens of either of the high contracting parties shall have the full powers and liberty to dispose of their personal and real estate and effects of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to the said personal and real estate and effects, whether by testament or ab intestato, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the citizens of the country, wherein said estate and effects may be, shall be subject to pay in like cases.

ARTICLE XII.

If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict on or near the coasts within the territories of the other, all assistance and protection shall be given to such vessel and her crew; and the vessel, or any part thereof, and all furniture and appurtenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in like case by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost or contribution whatever provided the same be exported.

ARTICLE XIII.

When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties, whether of war, (public or private,) or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs, and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hindrance.

ARTICLE XIV.

All vessels, merchandise, and effects belonging to the citizens of either of the high contracting parties, which may be captured by pirates either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals, it being understood that the claim thereto shall be made within two years by the owners themselves, their agents, or the agents of the respective Governments.

ARTICLE XV.

The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; and they shall be at liberty to employ, in all causes, the advocates, attorneys, notaries, or agents, of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases flagrantis delicti: and they shall in all cases be brought before a magistrate or other legal authority for examination within twenty-four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated, during their imprisonment, with humanity, and no unnecessary severity shall be exercised toward them.

ARTICLE XVI.

It is likewise agreed that perfect and entire liberty of conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their

religious belief, so long as they respect the laws and established usages of the country. Moreover, the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or in other decent and suitable places, and shall be protected from violation or disturbance.

Article XVII.

The citizens of the United States of America and the Republic of Peru may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, the enemies of either of the contracting parties, whoever may be the owners of the merchandise laden in the said vessels. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise, from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemy's port, whether they be under the jurisdiction of one power or of several. And it is agreed that free ships shall give freedom to goods, and that everything shall be deemed free which shall be found on board the vessels belonging to the citizens of either of the contracting parties, although the whole lading, or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be on board free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. It is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not that of others.

Article XVIII.

The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended:

1. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, dynamite and all explosives which are recognized as of use for purposes of war, matches, balls, torpedoes, and everything belonging to the use of these arms.

2 Bucklers, helmets, breastplates, coats of mail, accourtrements, and clothes made up in military form and for military use.

3. Cavalry belts and horses, with their harness.

4 And, generally, all offensive and defensive arms made of iron, steel, brass, copper, or any other material, prepared and formed to make war by land or at sea.

Article XIX.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

Article XX.

The articles of contraband, or those before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this, and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

Article XXI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by a commanding officer of a vessel forming part of the blockading forces, she again attempts to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor, if found therein before or after the reduction or surrender, shall such vessel or her cargo be liable to seizure, confiscation, or any demand on the score of redemption or restitution, but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

Article XXII.

To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other party, the former shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ship's papers, nor for any other purpose whatever.

Article XXIII.

Both contracting parties likewise agree that when one of them shall be engaged in war, the vessels of the other must be furnished with sea-letters, patents, or passports, in which shall be expressed the name, burden of the vessel, and the name and place of residence of the owner thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that such vessel, being laden, besides the said sea-letters, patents, or passports, shall be provided with manifests or certificates containing the particulars of the cargo, and the place where it was taken on board, so that it may be known whether any part of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained, to be adjudged by the competent tribunals and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

Article XXIV.

The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy; for when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag they carry, and when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXV.

It is further agreed, that in all prize-cases, the courts especially established for such causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgment against any vessel, merchandise, or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent of the said vessel, merchandise, or property, without any excuse or delay, upon payment of the established legal fees for the same.

ARTICLE XXVI.

Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or coöperating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

ARTICLE XXVII.

If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for then, that the merchants, traders, and other citizens of all occupations of either of the two parties residing in the cities, ports, and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property so long as they conduct themselves peaceably and properly, and commit no offence against the laws. And in case their acts should render them justly suspected, and having thus forfeited this privilege the respective Governments should order them to leave the country, the term of twelve months from the publication or intimation of the order therefor shall be allowed them in which to arrange and settle their affairs, and remove with their families, effects, and property; to which end the necessary safe-conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is, nevertheless, understood that the respective Governments may order the persons so suspected to remove forthwith to such places in the interior as may be designated.

ARTICLE XXVIII.

In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds, or in the public or private banks, or any other property whatever, belonging to the citizens of the one party in the territories of the other, shall in no case, for that cause alone, be sequestrated or confiscated.

ARTICLE XXIX.

The high contracting parties, desiring to avoid all inequality in their public communications and official intercourse, agree to grant to their envoys, ministers, chargés d'affaires, and other diplomatic agents, the same favors, privileges, immunities, and exemptions that those of the most favored nation do or shall enjoy, it being understood that the favors, privileges, immunities, and exemptions granted by the one party to the envoys, ministers, chargés d'affaires, or other diplomatic agents of the other party, or to those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

ARTICLE XXX.

To protect more effectually the commerce and navigation of their respective citizens, the United States of America and the Republic of Peru agree to admit and receive, mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges, and immunities of the consuls and vice-consuls of the most favored nation; but to enjoy the rights, prerogatives, and immunities which belong to them in virtue of their pubilc character, the consuls and vice-consuls shall, before exercising their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged in their official characters by the authorities, magistrates, and inhabitants of the districts in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls and vice-consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

ARTICLE XXXI.

The consuls, vice-consuls, their officers and persons employed in their consulates, shall be exempt from all public service, and from all kinds of taxes, imposts, and contributions, except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being, in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected; and no person, magistrate, or other public authority shall, under any pretext, interfere with or seize them.

ARTICLE XXXII.

The consuls and vice-consuls shall have power to require the assistance of the public authorities of the country in which they reside for the arrest, detention, and custody of deserters from the vessels of war or merchant-vessels of their nation; and where the deserters claimed shall belong to a merchant-vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the

deserters in writing, proving by the ship's roll or other public document that the individuals claimed are a part of the crew of the vessel from which it is alleged that they have deserted; but should the individuals claimed form a part of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice-consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty, and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority or other person within their respective dominions to harbor or protect such deserters.

Article XXXIII.

Until the conclusion of a consular convention, which the high contracting parties agree to form as soon as may be mutually convenient, it is stipulated, that in the absence of the legal heirs or representatives the consuls or vice-consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace or some other judicial authority to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature, and to dispose of the remainder according to the instructions of their respective Governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months, during which time the creditors, if any, of the deceased, shall have the right to present their claims and demands against the said effects and property; and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls, at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property in accordance with the instructions from their own Governments.

Article XXXIV.

As a consequence of the principles of equality herein established, in virtue of which the citizens of each one of the high contracting

parties enjoy in the territory of the other the same rights as natives, and receive from the respective Governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims preferred have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

Article XXXV.

The United States of America and the Republic of Peru, desiring to make as durable as possible the relations established between the two parties in virtue of this treaty of friendship, commerce, and navigation, declare solemnly and agree as follows:

1st The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time after expiration of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and terminate.

2nd If any citizen or citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefor, and the harmony and good understanding between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender or offenders, or to sanction such violation, under pain of rendering itself liable for the consequences thereof.

3d Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties shall order or authorize any act of reprisals, nor declare nor make war against the other on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and, demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th Nothing contained in this treaty shall, however be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Peru, with the approbation of the Congress thereof, and the ratifications shall be exchanged at Washington or Lima as soon thereafter as possible.

In evidence whereof we, the Plenipotentiaries of the United States of America and of the Republic of Peru, have signed and sealed these

presents: at the city of Lima, in duplicate English and Spanish, this the Thirty-first day of August in the year of our Lord one thousand eight hundred and eighty-seven.

CHAS W. BUCK
[SEAL]
CÁRLOS M. ELIAS
[SEAL]

1898.

PROTOCOL OF AN AGREEMENT FOR THE ARBITRATION OF THE AMOUNT OF DAMAGES TO BE AWARDED IN FAVOR OF VICTOR H. MACCORD.

Signed May 17, 1898.

ARTICLES.

I. Reference to arbitrator.
II. Evidence.
III. Points to be decided.
IV. Arguments.
V. Payment.
VI. Compensation to arbitrator.
VII. Finality of award.

PROTOCOL OF AN AGREEMENT BETWEEN THE SECRETARY OF STATE OF THE UNITED STATES AND THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF PERU, FOR SUBMISSION TO AN ARBITRATOR OF THE AMOUNT OF DAMAGES TO BE AWARDED IN FAVOR OF VICTOR H. MACCORD, AN AMERICAN CITIZEN, AGAINST THE REPUBLIC OF PERU, SIGNED AT WASHINGTON MAY 17, 1898.

The United States of America and the Republic of Peru, through their Representatives, William R. Day, secretary of State of the United States of America, and Dr. Don Victor Eguiguren, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Peru, have agreed upon and signed the following Protocol:

Whereas, the United States of America, on behalf of Victor H. MacCord, a citizen of the United States of America, has claimed indemnity from the Government of Peru, for injuries inflicted upon him, at Arequipa, Peru, in 1885; it is agreed betwen the two Governments:

I.

That the question of the amount of the said indemnity shall be referred to the Right Honorable Sir Samuel Henry Strong, P. C., Chief Justice of the Supreme Court of the Dominion of Canada, who is hereby appointed as Arbitrator to hear said cause and to determine the amount of said indemnity.

II.

The Government of the United States of America will lay before the Arbitrator both the claimant's evidence and that which has been submitted by the Government of Peru. The Government of the United States shall furnish the Peruvian Minister a list thereof.

III.

The Peruvian Government, having condescended, as an act of deference to the United States, in excluding from the arbitration the discussion of its liability or irresponsibility, the Arbitrator will limit

his decision and the award to the following point, that is the only one that is submitted to his decision: to determine, in view of the proofs that will be submitted to him, the amount of pecuniary indemnity that will be paid to Mr. Victor H. MacCord for the acts committed against him, in Arequipa, Peru, in 1885. The United States Government having declined to submit any matter in dispute herein to arbitration except the amount of damages to be awarded, the Government of Peru accedes to the proposal to waive its denial of liability and to allow the Arbitrator, on the hearing of the case, to award such sum as he may believe MacCord to be entitled to and the amount of which award the Government of Peru undertakes and agrees to pay. The evidence is to be finally submitted to the Arbitrator on or before the 1st day of July, 1898, and his decision is to be rendered within two months from the date of its submission.

IV.

Each Government may furnish to the Arbitrator an argument or brief, not later than the 10th day of August 1898; but the Arbitrator need not for that purpose delay his decision.

V.

The Government of Peru shall pay the sum fixed by the Arbitrator as soon as the Congress of Peru shall authorize the payment; but the time thus allowed shall in no case exceed six months from the day the decision shall be pronounced.

VI.

Reasonable compensation to the Arbitrator, and the other expenses of said arbitration, are to be paid in equal moieties by both Governments.

VII.

Any award given by the Arbitrator shall be final and conclusive. Done in duplicate at Washington this 17th day of May, 1908.

WILLIAM R. DAY.
VICTOR EGUIGUREN

SUPPLEMENTAL PROTOCOL: CLAIM OF VICTOR H. MACCORD.

Signed June 6, 1898.

SUPPLEMENTAL PROTOCOL BETWEEN THE UNITED STATES AND PERU, IN RE THE CLAIM OF VICTOR H. MAC CORD.

Whereas, a Protocol was signed at Washington, May 17th, 1898, between the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Peru, for submission to an arbitrator of the amount of damages to be awarded in favor of Victor H. MacCord; and

Whereas, it is stipulated in Article III, of said Protocol as follows, to wit: "The evidence is to be finally submitted to the arbitrator on or before the 1st day of July, 1898, and his decision is to be rendered within two months from the date of its submission"; and

Whereas, it is stipulated by Article IV of said Protocol as follows, to wit: "Each Government may furnish to the Arbitrator an argument or brief, not later than the 10th day of August, 1898; but the Arbitrator need not for that purpose delay his decision";

It is agreed between the two Governments that the said stipulation in said Article III. be, and the same is hereby amended to read as follows, to wit: "The evidence is to be finally submitted to the Arbitrator on or before the 10th day of August, 1898, and his decision is to be rendered within three months from the date of its submission."

It is agreed that said Article IV be, and it is hereby amended to read as follows, to wit: "Each Government may furnish to the Arbitrator an argument or brief, not later than the 1st day of October, 1898; but the Arbitrator need not for that purpose delay his decision."

Done in duplicate at Washington this sixth day of June, 1898.

WILLIAM R. DAY
VICTOR EGUIGUREN

Pursuant to the foregoing protocol, the arbitrator rendered his award on the 15th day of October, 1898, awarding $40,000 to the claimant.

1899.

EXTRADITION TREATY.

Concluded November 28, 1899; ratified by the Senate February 8, 1900; ratified by the President November 23, 1900; ratifications exchanged January 23, 1901; proclaimed January 29, 1901.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitations.
VIII. Extradition deferred.
IX. Prior offenses.
X. Property seized with fugitive.
XI. Persons claimed by other countries.
XII. Expenses.
XIII. Duration; ratification.

The United States of America and the Republic of Peru, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Peru, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Irving B. Dudley, Envoy Extraordinary and Minister Plenipotentiary of the United States to Peru, and

The President of Peru, His Excellency Doctor Manuel María Gálvez, Minister for Foreign Relations of Peru, who, after having communicated to each other their respective full power, found in

good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Republic of Peru mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination; parricide, infanticide, and poisoning; attempt to commit murder; manslaughter, when voluntary.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, money or goods, by violence or putting him in fear; burglary.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny, provided that the value of the property or the amount of money so embezzled or stolen is not less than $200 or 420 soles.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the property misappropriated is not less than $200 or 420 soles in value.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping; bigamy.

10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

(a) Piracy, by statute or by the law of nations.

(b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(d) Assaults on board a ship on the high seas with intent to do grevious bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

Extradition is also to take place for participation, as accessories, accomplices or otherwise, in any of the crimes and offenses mentioned in this Treaty; provided, however, that extradition shall not be granted for any crime or offense hereinbefore enumerated or for participation therein unless such crime or offense, or such participation may be punished, in the United States as a felony, and in Peru by imprisonment for one year.

ARTICLE III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers; or, in the absence of both diplomatic and consular representatives from the country or its seat of government, may be made directly by the Government thus unrepresented upon the other.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Peru, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

ARTICLE IV.

In cases not admitting of delay, and especially in those where there is danger of escape, each of the two Governments may, by the most expeditious means, ask and obtain the arrest and provisional detention of the fugitive on condition of presenting a formal requisition, accompanied by the necessary evidence of his criminality under the stipulations of this Treaty within two months from the date of his provisional arrest or detention.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE VII.

Extradition shall not be granted in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

If the person claimed is accused or sentenced in the country where he may have taken refuge for a crime or misdemeanor committed in that country, his delivery may be delayed until the definitive sentence releasing him be pronounced, or until such time as he may have complied with the punishment inflicted on him in the country wherein he took refuge.

ARTICLE IX.

No person surrendered by either of the high contracting parties to the other shall, without the consent of the government which surrendered him, be triable or tried or be punished for any crime or offense committed prior to his extradition other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE X.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE XI.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE XII.

The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought; Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; And, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIII.

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively.

The ratifications of the present Treaty shall be exchanged at Lima as soon as possible, and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and the Spanish languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Lima this twenty eighth day of November in the year of our Lord one thousand eight hundred and ninety nine.

IRVING B. DUDLEY [SEAL.]
M. M. GÁLVEZ [SEAL.]

1907.

NATURALIZATION CONVENTION.

Signed at Lima October 15, 1907; ratification advised by the Senate February 19, 1908; ratified by the President March 9, 1908; ratifications exchanged at Lima July 23, 1909; proclaimed September 2, 1909.

ARTICLES.

I. Recognition of naturalization.
II. Renunciation of naturalization.
III. Definition of word "citizen."
IV. Liability for prior offenses.
V. Declaration of intention.
VI. Effect; ratification; duration.

The United States of America and the Republic of Peru, desiring to regulate the citizenship of those persons who emigrate from the United States of America to Peru, and from Peru to the United States of America, have resolved to conclude a convention on this subject and for that purpose have appointed their Plenipotentiaries that is to say:

The President of the United States of America, Leslie Combs, Envoy Extraordinary and Minister Plenipotentiary of the United States at Lima; and

The President of Peru señor don Solón Polo, Minister for Foreign Relations of Peru, who have agreed to and signed the following articles.

ARTICLE I.

Citizens of the United States who may be or shall have been naturalized in Peru upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Peru. Reciprocally, Peruvians who may or shall have been naturalized in the United States upon their own application or with their consent, will be considered by the Republic of Peru as citizens of the United States.

ARTICLE II.

If a Peruvian, naturalized in the United States of America, renews his residence in Peru without intent to return to the United States, he may be held to have renounced his naturalization in the United States. Reciprocally if a citizen of the United States naturalized in Peru renews his residence in the United States without intent to return to Peru, he may be presumed to have renounced his naturalization in Peru.

The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

ARTICLE III.

It is mutually agreed that the definition of the word "citizen" as used in this convention shall be held to mean a person to whom nationality of the United States or of Peru attaches.

ARTICLE IV.

A recognized citizen of the one party returning to the territory of the other remains liable to trial and legal punishment for any action punishable by the laws of his original country and committed before his emigration; but not for the emigration itself, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

ARTICLE V.

The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE VI.

The present convention shall go into effect immediately on the exchange of ratifications, and in the event of either party giving the other notice of its intention to terminate the convention it shall continue to be in effect one year more to count from the date of such notice.

The present convention shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contracting parties, and the ratifications shall be exchanged at Lima within twenty-four months of the date thereof.

In witness whereof, the respective Plenipotentiaries have signed the above articles both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the city of Lima this fifteenth day of October one thousand nine hundred and seven.

LESLIE COMBS
American Minister in Perú [SEAL]
SOLÓN POLO [SEAL.]

1908.

ARBITRATION CONVENTION.

Signed at Washington December 5, 1908; ratification advised by the Senate December 10, 1908; ratified by the President March 1, 1909; ratifications exchanged at Washington June 29, 1909; proclaimed June 30, 1909.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America, signatory of the two conventions for the Pacific Settlement of International Disputes, concluded at The Hague, respectively, on July 29, 1899, and October 18, 1907, and the Government of the Republic of Peru, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907;

Taking into consideration that by Article XIX of the convention of July 29, 1899, and by Article XL of the convention of October 18, 1907, the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, for the pacific settlement of international disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement, defining clearly the matter in dispute, the scope of

the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Peru shall be subject to the procedure required by the Constitution and laws thereof.

ARTICLE III.

The present Convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Peru in accordance with the constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this 5th day of December, in the year one thousand nine hundred and eight.

ELIHU ROOT [SEAL]
FELIPE PARDO [SEAL]

PORTUGAL.

1840.[a]

TREATY OF COMMERCE AND NAVIGATION.

Concluded August 26, 1840; ratification advised by the Senate February 3, 1841; ratified by the President April 23, 1841; ratifications exchanged April 23, 1841; proclaimed April 24, 1841.

ARTICLES.

I. Liberty of commerce and navigation.
II. Reciprocal privileges of vessels.
III. Discrimination on vessels.
IV. Discrimination on imports.
V. Most favored nation.
VI. Discrimination in duties.
VII. Coasting trade.
VIII. Ports.
IX. Protection to vessels.
X. Consuls.
XI. Deserters.
XII. Disposal of property.
XIII. Most favored nation in navigation.
XIV. Duration; ratification.

In the Name of the Most Holy and Undivided Trinity.

The United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States; of

[a] This treaty was terminated by notice of the Portuguese Government January 31, 1892. Oldfield *v* Marriott (10 How., 146).

extending, also, and consolidating the commercial intercourse between them; and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity based upon principles of equity equally beneficial to both countries; have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation; and they have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, Edward Kavan[a]gh, their Chargé d'Affaires at the Court of Her Most Faithful Majesty; and Her Most Faithful Majesty, the most illustrious and most excellent John Baptist de Almeida Garrett, First Historiographer to her said Majesty, of her Counsel, Member of the Cortes, Knight of the ancient and most noble Order of the Tower an[d] Sword, Knight Commander of the Order of Christ, Officer of the Order of Leopold in Belgium, Judge of the Superior Court of Commerce, Envoy Extraordinary and Minister Plenipotentiary to Her Catholic Majesty.

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

Article I.

There shall be, between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The citizens and subjects of their respective States shall, mutually, have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is or shall be permitted. They shall be at liberty to sojourn and reside in all parts of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Article II.

Vessels of the United States of America arriving, either laden or in ballast, in the ports of the Kingdom and possessions of Portugal; and, reciprocally, Portuguese vessels arriving, either laden or in ballast, in the ports of the United States of America, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage, light-house duties, pilotage, port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any public or private establishment, whatsoever.

Article III.

No higher or other duties shall be imposed on the importation into the Kingdom and possessions of Portugal of any article the growth,

produce, or manufacture of the United States of America; and no higher or other duties shall be imposed on the importation into the United States of America of any article the growth, produce, or manufacture of the Kingdom and possessions of Portugal, than such as are or shall be payable on the like article being the growth, produce, or manufacture of any other foreign country.

Nor shall any prohibition be imposed on the importation or exportation of any article the growth, produce, or manufacture of the United States of America, or of the Kingdom and possessions of Portugal, to or from the ports of the said Kingdom and possessions of Portugal, or of the said States, which shall not equally extend to all other foreign nations.

Nor shall any higher or other duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States of America, or to the Kingdom of Portugal, respectively, than such as are payable on the exportation of the like articles to any other foreign country.

Provided however, that nothing contained in this article shall be understood, or intended, to interfere with the stipulation entered into by the United States of America, for a special equivalent, in regard to French wines, in the convention made by the said States and France, on the fourth day of July, in the year of our Lord one thousand eight hundred and thirty-one; which stipulation will expire, and cease to have effect, in the month of February, in the year of our Lord one thousand eight hundred and forty-two.

Article IV.

The same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation into the Kingdom and Possessions of Portugal, of any article the growth, produce, or manufacture of the United States of America, whether such importation shall be in vessels of the said States, or in Portuguese vessels; and, reciprocally, the same duties shall be paid, and the same bounties, deductions, or privileges allowed, on the importation into the United States of America, of any article the growth, produce, or manufacture of the Kingdom and Possessions of Portugal, whether such importation shall be in Portuguese vessels, or in vessels of the said States.

Article V.

It is agreed by the high contracting parties that, whenever there may be lawfully imported into all or any of the ports of the Kingdom and Possessions of Portugal, in vessels of any foreign country, articles of the growth, produce, or manufacture of a country other than that to which the importing vessels shall belong, the same privilege shall immediately become common to vessels of the United States of America, with all the same rights and favors as may, in that respect, be granted to the most favored nation. And, reciprocally, in consideration thereof, Portuguese vessels shall thereafter enjoy, in the same respect, privileges, rights, and favors, to a correspondent extent, in the ports of the United States of America.

ARTICLE VI.

All kinds of merchandise and articles of commerce, which may be lawfully exported or re-exported from the ports of either of the high contracting parties to any foreign country, in national vessels, may also be exported or re-exported therefrom in vessels of the other party, respectively, without paying other or higher duties or charges, of whatever kind or denomination, than if the same merchandise or articles of commerce were exported or re-exported in national vessels.

And the same bounties and drawbacks shall be allowed, whether such exportation or re-exportation be made in vessels of the one party or the other.

ARTICLE VII.

It is expressly understood that nothing contained in this treaty shall be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

ARTICLE VIII.

It is mutually understood that the foregoing stipulations do not apply to ports and territories, in the Kingdon and possessions of Portugal, where foreign commerce and navigation are not admitted; and that the commerce and navigation of Portugal directly to and from the United States of America and the said ports and territories are also prohibited.

But Her Most Faithful Majesty agrees that, as soon as the said ports and territories, or any of them, shall be opened to the commerce or navigation of any foreign nation, they shall, from that moment, be also opened to the commerce and navigation of the United States of America, with the same privileges, rights, and favors as may be allowed to the most favored nation, gratuitously, if the concession was gratuitously made, or on allowing the same compensation or an equivalent if the concession was conditional.

ARTICLE IX.

Whenever the citizens or subjects of either of the contracting parties shall be forced to seek refuge or asylum in any of the rivers, bays, ports, or territories of the other, with their vessels, whether merchant or of war, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity, giving to them all favor, facility, and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle and hindrance of any kind.

ARTICLE X.

The two contracting parties shall have the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation. But before any Consul, Vice-Consul, Agent, or Commissary shall act as such, he shall, in the usual form, be approved and admitted by the Government to which he is sent.

But, if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place, in respect of their commercial transactions.

And it is hereby declared that, in case of offense against the laws, such Consul, Vice-Consul, Agent, or Commissary may either be punished according to law or be sent back, the offended Government assigning to the other reasons for the same.

The archives and papers of the consulates shall be respected inviolably; and under no pretext whatever shall any magistrates seize or in any way interfere with them.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captains should disturb the order or the tranquility or offend the laws of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported.

It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authorities of their country.

Article XI.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country.

For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand the said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and this reclamation thus being substantiated, the surrender shall be made without delay.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But, if not sent back within four months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter shall be found to have committed any crime or offense, the surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XII.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the juris-

diction of the other, by testament, donation, or otherwise; and their representatives shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases.

And where, on the death of any person holding real estate within the territories of one of the high contracting parties, such real estate would, by the laws of the land, descend on a citizen or subject of the other party, who, by reason of alienage, may be incapable of holding it, he shall be allowed the time fixed by the laws of the country; and, in case the laws of the country actually in force may not have fixed any such time, he then shall be allowed a reasonable time to sell or otherwise dispose of such real estate, and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments any other dues than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

Article XIII.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation or an equivalent, *quam proximè*, where the grant is conditional.

Article XIV.

The United States of America and Her Most Faithful Majesty, desiring to make as durable as circumstances will permit, the relations which are to be established between the two parties, by virtue of this treaty or general convention of reciprocal liberty of commerce and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall be in force for six years from the date hereof, and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said term of six years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty shall altogether cease and terminate.

2d. If any one or more of the citizens or subjects of either party shall infringe any of the articles of this treaty, such citizen or subject shall be held personally responsible for the same; and the harmony and good correspondence between the two nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (which, indeed, cannot be expected), unfortunately, any of the articles contained in the present treaty shall be violated or infringed in any way whatever, it is expressly stipulated, that neither

of the contracting parties will order or authorise any acts of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proof, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed.

4th. The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by Her Most Faithful Majesty, with the previous consent of the General Cortes of the nation, and the ratifications shall be exchanged, in the city of Washington, within eight months from the date hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in triplicate in the city of Lisbon, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and forty.

[SEAL.] EDWARD KAVANAGH.
[SEAL.] JOÃO BAPTISTA DE ALMEIDA GARRETT.

1851.

CLAIMS CONVENTION.

Concluded February 26, 1851; ratification advised by the Senate March 7, 1851; ratified by the President March 10, 1851; ratifications exchanged June 23, 1851; proclaimed September 1, 1851.

ARTICLES.

I. Payment by Portugal.
II. The General Armstrong claim.
III. Procedure.
IV. Payment of other claims.
V. Manner of payment.
VI. Interest.
VII. Ratification.

The United States of America and Her Most Faithful Majesty the Queen of Portugal and of the Algarves, equally animated with the desire to maintain the relations of harmony and amity which have always existed, and which it is desirable to preserve between the two powers, having agreed to terminate by a convention the pending questions between their respective Governments in relation to certain pecuniary claims of American citizens presented by the Government of the United States against the Government of Portugal, have appointed as their Plenipotentiaries for that purpose, to wit:

The President of the United States of America, Daniel Webster, Secretary of State of said United States, and Her Most Faithful Majesty, J. C. de Figanière é Morão, of Her Council, Knight Commander of the Orders of Christ and of O. L. of Conception of Villa Viçoza, and Minister Resident of Portugal near the Government of the United States;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I.

Her Most Faithful Majesty the Queen of Portugal and of the Algarves, appreciating the difficulty of the two Governments agreeing upon the subject of said claims, from the difference of opinion entertained by them respectively, which difficulty might hazard the continuance of the good understanding now prevailing between them, and resolved to maintain the same unimpaired, has assented to pay to the Government of the United States a sum equivalent to the indemnities claimed for several American citizens, (with the exception of that mentioned in the fourth article,) and which sum the Government of the United States undertakes to receive in full satisfaction of said claims, except as aforesaid, and to distribute the same among the claimants.

ARTICLE II.

The high contracting parties, not being able to come to an agreement upon the question of public law involved in the case of the American privateer brig "General Armstrong," destroyed by British vessels in the waters of the island of Fayal, in September, 1814, Her Most Faithful Majesty has proposed, and the United States of America have consented, that the claim presented by the American Government, in behalf of the captain, officers, and crew of the said privateer, should be submitted to the arbitrament of a sovereign, potentate, or chief of some nation in amity with both the high contracting parties.

ARTICLE III.

So soon as the consent of the sovereign, potentate, or chief of some friendly nation, who shall be chosen by the two high contracting parties, shall have been obtained to act as arbiter in the aforesaid case of the privateer brig "General Armstrong," copies of all correspondence which has passed in reference to said claim between the two Governments and their respective representatives shall be laid before the arbiter, to whose decision the two high contracting parties hereby bind themselves to submit.

ARTICLE IV.

The pecuniary indemnities which Her Most Faithful Majesty promises to pay, or cause to be paid, for all the claims presented previous to the 6th day of July, 1850, in behalf of American citizens, by the Government of the United States, (with the exception of that of the "General Armstrong,") are fixed at ninety-one thousand seven hundred and twenty-seven dollars, in accordance with the correspondence between the two Governments.

ARTICLE V.

The payment of the sum stipulated in the preceding article shall be made in Lisbon, in ten equal instalments, in the course of five years, to the properly-authorized agent of the United States. The

first instalment of nine thousand one hundred and seventy-two dollars seventy cents, with interest as hereinafter provided, (or its equivalent in Portuguese current money,) shall be paid, as aforesaid, on the 30th day of September of the current year of 1851, or earlier, at the option of the Portuguese Government; and at the end of every subsequent six months a like instalment shall be paid—the integral sum of ninety-one thousand seven hundred and twenty-seven dollars, or its equivalent, thus to be satisfied on or before the thirtieth day of September, 1856.

ARTICLE VI.

It is hereby agreed that each and all of the said instalments are to bear, and to be paid with an interest of six per cent. per annum, from the date of the exchange of the ratifications of the present convention.

ARTICLE VII.

This convention shall be approved and ratified, and the ratifications shall be exchanged in the city of Lisbon within four months after the date hereof, or sooner if possible.

In testimony whereof the respective Plenipotentiaries have signed the same, and affixed thereto the seals of their arms.

Done in the city of Washington, D. C., the twenty-sixth day of February, of the year of our Lord one thousand eight hundred and fifty-one.

[SEAL.] DAN'L WEBSTER.
[SEAL.] J. C. DE FIGANIÈRE E MORÃO.

Louis Napoleon, President of France, was appointed arbitrator of the General Armstrong claim, and November 30, 1852, decided that no indemnity was due from Portugal to the United States on account of the claim.

1891.

PROTOCOL BETWEEN THE UNITED STATES, GREAT BRITAIN, AND PORTUGAL IN REFERENCE TO ARBITRATION OF CLAIMS AGAINST PORTUGAL.

Signed at Berne June 13, 1891.

ARTICLES.

I. Subject of arbitration.
II. Arbitration Tribunal; procedure.
III. Decision.
IV. Finality of judgment.
V. Expenses.

The President of the Swiss Confederation having notified the Governments of Great Britain, the United States of North America and Portugal that the Swiss Federal Council had taken into consideration the request made by those Governments that it be pleased to appoint

three lawyers, selected among those of the greatest distinction, to constitute an Arbitration Tribunal charged with fixing the amount of the indemnity due by Portugal to the claimants of the other two countries on account of the rescission of the concession of the Lourenço Marques Railroad, and of the taking possession of that railroad by the Portuguese Government, the Undersigned, Envoys Extraordinary and Ministers Plenipotentiary of Great Britain, the United States of North America, and Portugal, accredited near the Swiss Confederation, duly authorized by their respective Governments, have agreed to the following:

ARTICLE I.

The mandate which the three Governments have agreed to refer to the Arbitration Tribunal is, to fix, as it shall deem most just, the amount of the compensation due by the Portuguese Government to the claimants of the other two countries, in consequence of the rescission of the concession of the Lourenço Marques Railroad, and the taking possession of that railroad by the Portuguese Government, and thereby to settle the controversy existing between the three Governments on the subject.

ARTICLE II.

The Arbitration Tribunal will set the Governments of Great Britain and the United States of North America the term within which they must deliver to it the memoranda, conclusions and documents in support of the claims of their citizens.

These documents shall be transmitted in duplicate to the Portuguese Government, with the invitation to present its reply, its conclusions and the documents in support of them, likewise in duplicate, within the term which shall be set for it.

The Arbitration Tribunal shall itself, after hearing the parties or their representatives, and with their consent, fix the mode of procedure, especially the terms above-mentioned, and those to be set for the putting in of the replication and the rejoinder, the rules to be followed in hearing the parties or their representatives, the production of documents, the deliberation in its own bosom, the rendering of the judgment and the drawing up of the protocol.

Each of the three Governments undertakes to do all in its power to have the documents and information demanded by the Arbitration Tribunal, furnished to it in due form and within the terms fixed by it.

ARTICLE III.

The Arbitration Tribunal shall have full authority to take cognizance of the conclusions presented to it by each of the parties, in their whole extent and in all their appurtenances or incidents; it shall render its judgment upon the substance of the cause, and shall pronounce, as it shall deem most just, upon the amount of the indemnity due by Portugal to the claimants of the other two countries, in consequence of the rescission of the concession of the Lourenço Marques Railroad, and of the taking possession of that railroad by that Government.

ARTICLE IV.

The judgment shall be final and without appeal.

The President of the Arbitration Tribunal shall deliver a certified copy of the decision to the Representatives of each of the three Governments.

The three Governments bind themselves beforehand, for themselves and for their respective citizens, to accept and carry out the decision, as a final settlement of all their differences upon this question. It is understood that, although it appertains to the Arbitration Tribunal to designate the private persons or the moral persons who are entitled to the indemnity, the amount of that indemnity shall be paid by the Portuguese Government to the other two Governments, in order that they may make distribution of it to the claimants. The receipt given by those two Governments shall constitute a complete and valid discharge of the Portuguese Government.

The amount of the indemnity shall be paid by the Portuguese Government to the other two Governments within the term of six months, counting from the rendering of the award.

ARTICLE V.

The President of the Arbitration Tribunal shall be requested to present an account of all the expenses occasioned by the arbitration, and the three Governments bind themselves to have them paid at such time as the President shall fix.

In testimony whereof, the undersigned have drawn up this protocol, and have affixed their signatures and their seals.

Done in triplicate at Berne, June 13, 1891.

CHARLES S. SCOTT. [SEAL.]
JOHN D. WASHBURN. [SEAL.]
D. G. NOGUEIRA SOARES. [SEAL.]

On the 29th of March, 1900, the arbitrators, under the foregoing protocol, rendered its award, under which the Government of Portugal was sentenced to pay to the United States and to Great Britain, in addition to the £28,000, paid on account in 1890, the sum of 15,314,000 francs in Swiss lawful money, with interest at 5 per cent per annum from June 25, 1899, to the date of payment.

1893.

COPYRIGHT.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights,"

that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement;"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time as the purposes of this act may require;"

And whereas satisfactory official assurances have been given that in Portugal the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Portugal:

Now, therefore, I, GROVER CLEVELAND, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Portugal.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twentieth day of July, in the year of Our Lord one thousand eight hundred and [SEAL.] ninety-three, and of the Independence of the United States the one hundred and eighteenth.

GROVER CLEVELAND.

By the President:
W. Q. GRESHAM
Secretary of State.

1900.[a]

RECIPROCAL COMMERCIAL ARRANGEMENT WITH PORTUGAL.

Signed May 22, 1899; proclaimed June 12, 1900.

ARTICLES.

I. Concessions by United States.
II. Concessions by Portugal.
III. Termination.
IV. Ratification.

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, equally animated by the desire to confirm the good understanding existing between them and to increase the commercial intercourse of the two countries, have deemed it expedient to enter into a reciprocal commercial Agreement to that end; and they have appointed as their Plenipotentiaries for that purpose, to wit:—

The President of the United States of America, the Honorable John A. Kasson, Special Commissioner Plenipotentiary: and

[a] This agreement will terminate on August 7, 1910, on notice given by United States.

His Most Faithful Majesty, the Viscount de Santo-Thyrso, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington:

Who, after an exchange of their respective full Powers, found to be in due and proper form, have agreed upon the following Articles:

Article I.

Upon the following articles of commerce being the product of the soil or industry of Portugal or of the Azores and Madeira Islands imported into the United States the present rates of duty shall be reduced and shall hereafter be as follows, namely:—

Upon argols, or crude tartar, or wine lees, five per centum ad valorem.

Upon still wines in casks, thirty-five cents per gallon; in bottles, per case of one dozen bottles, containing each not more than one quart and more than one pint, or twenty-four bottles containing not more than one pint, one dollar and twenty-five cents per case; and any excess beyond these quantities found in such bottles shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles.

Upon sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles, on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

Upon brandies or other spirits manufactured or distilled from grain or other materials, whether the product of Portugal or of the Portuguese Possessions, one dollar and seventy-five cents per proof gallon.

Upon paintings in oil or water colours, pastels, pen and ink drawings and statuary, fifteen per centum ad valorem.

Article II.

Reciprocally and in consideration of the preceding concessions, upon the following articles of commerce being the products of the soil or industry of the United States imported into the Kingdom of Portugal and the Azores and Madeira Islands, the rates of duty shall be as low as those accorded to any other country (Spain and Brazil being excepted from this provision) namely:

Tariff No. 325 Flour of cereals, except wheat.
Tariff No. 326 Maize in the grain.
Tariff No. 327 Wheat in the grain.
Tariff No. 354 Lard and grease.
Tariff No. 97, Tariff No. 98, Tariff No. 99 } Mineral oils, and their products not elsewhere specified in the Tariff.

Tariff No. 373. Reaping, mowing and thrashing machines, machines for compressing hay and straw, steam-plows, and separate parts of these machines and plow shares.

Tariff No. 386. Instruments, implements and tools for the arts, manufactories, agriculture, and gardening; and upon the following articles shall not exceed the rates hereinafter stated, namely:

Upon the foregoing machines and articles described in No. 373, five reis per kilogram.

Upon the instruments, implements and tools described above in No. 386, for use in agriculture and gardening, sixty reis per kilogram.

Upon lighter mineral oils for illuminating purposes (density of 0.780 up to 0.820; point of ignition from 37° up to 49°) forty-six reis per litre.

Upon medium mineral oils (density above 0.820 and up to 0.860; point of ignition from 50° up to 150°) fifty-two reis per kilogram.

Upon tar and mineral pitch ten reis per ton.

ARTICLE III.

It is mutually understood that His Most Faithful Majesty's Government reserves the right, after three months prior notification to the United States Government of its intention to do so, to arrest the operation of this Convention in case the United States shall hereafter impose a duty upon crude cork or coffee being the product of Portugal or of the Portuguese Possessions, or shall give less favorable treatment to the following articles being the product of Portugal or of her Possessions than that accorded to the like articles being the product of any other country not under the control of the United States, namely: argols, crude tartar or wine lees; coffee; cacao; wines; brandies; cork, raw or manufactured; sardines and anchovies preserved; and fruits, not preserved; but in respect to fruits the United States reserves the right to make special arrangements applicable to any of the West India Islands.

ARTICLE IV.

This Agreement shall be ratified by His Most Faithful Majesty so soon as possible, and upon official notice thereof the President of the United States shall issue his Proclamation giving full effect to the provisions of Article I of this Agreement. From and after the date of such Proclamation this Agreement shall be in full force and effect, and shall continue in force for the term of five years thereafter, and if not then denounced by either Party shall continue in force until one year from the time when one of the Parties shall have notified the other of its intention to arrest the operation thereof.

Done at Washington the twenty-second day of May in the year one thousand eight hundred and ninety-nine.

JOHN A. KASSON [SEAL.]
Visconde de SANTO THYRSO [SEAL.] "

1902.[a]

AN ADDITIONAL AND AMENDATORY AGREEMENT TO THE COMMERCIAL AGREEMENT OF MAY 22, 1899, BETWEEN THE UNITED STATES AND PORTUGAL.

Signed at Washington November 19, 1902; proclaimed January 24, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas His Most Faithful Majesty the King of Portugal and of the Algarves and the United States of America have concluded on November 19, 1902, an Additional and Amendatory Agreement to the Commercial Agreement of May 22, 1899, between the same High Contracting Parties, entered into in accordance with the provisions of Section 3 of the Tariff Act of the United States approved July 24, 1897, which Additional and Amendatory Agreement is in the English and Portuguese texts, word for word as follows:

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, finding it expedient to amend the Commercial Agreement between the two countries, signed at Washington on the 22nd day of May, 1899, have named for this purpose their respective Plenipotentiaries, to wit:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States, and

His Most Faithful Majesty, the Viscount de Alte, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed upon the following additional and amendatory Articles to be taken as part of the said Agreement:

ARTICLE I.

The High Contracting Parties mutually agree that the provisions of the said Agreement shall apply also to the Island of Porto Rico.

ARTICLE II.

This Additional and Amendatory Agreement shall be ratified by His Most Faithful Majesty so soon as possible, and upon official notice thereof the President of the United States shall issue his Proclamation giving full effect to the same. From and after the date of such Proclamation this Agreement shall take effect, and shall continue in force during the continuance in force of the said Commercial Agreement signed May 22, 1899.

Done in duplicate in English and Portuguese texts at Washington this nineteenth day of November, one thousand nine hundred and two.

JOHN HAY [SEAL.]
VISCONDE DE ALTE [SEAL.]

[a] This agreement will terminate August 7, 1910, on notice given by United States.

1908.

Arbitration Convention.

Signed at Washington, April 6, 1908; ratification advised by the Senate, April 17, 1908; ratified by the President, November 6, 1908; ratifications exchanged at Washington, November 14, 1908; proclaimed, December 14, 1908.

Articles.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America and the Government of Portugal, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment,

Have authorized the Undersigned to conclude the following arrangement:

Article I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of either of the two Contracting States, and do not concern the interests of third Parties.

Article II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States, such special agreements will be made by the President of the United States by and with the advice and consent of the Senate thereof.

Article III.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Article IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Portugal in accordance with the constitutional laws of the Kingdom.

The ratifications of this Convention shall be exchanged at Washington as soon as possible, and it shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Portuguese languages at Washington, this 6th day of April, one thousand nine hundred and eight.

ELIHU ROOT [SEAL]
ALTE [SEAL]

1908.

NATURALIZATION CONVENTION.

Signed at Washington, May 7, 1908; ratification advised by the Senate, May 14, 1908; ratified by the President, November 6, 1908; ratifications exchanged at Washington, November 14, 1908; proclaimed, December 14, 1908.

ARTICLES.

I. Recognition of naturalization.
II. Liability for prior offenses.
III. Resumption of citizenship.
IV. Duration; ratification.

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of Portugal, and from the territories of Portugal to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say:

The President of the United States of America, Elihu Root, Secretary of State; and

His Most Faithful Majesty the King of Portugal and of the Algarves, Viscount de Alte, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America;

Who have agreed to and signed the following articles:

ARTICLE I.

Subjects of Portugal who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years shall be held by Portugal to be American citizens and shall be treated as such. Reciprocally, citizens of the United States of America who become naturalized subjects of Portugal and shall have resided uninterruptedly within Portuguese territory five years shall be held by the United States to be Portuguese subjects and shall be treated as such.

ARTICLE II.

A recognized citizen of the one party on returning to the territory of the other remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

The infraction of the legal provisions which in the country of origin regulate emigration shall not be held, for the purposes of this

article, as pertaining to the emigration itself and, therefore, the transgressors of those provisions who return to the country of their origin are there liable to trial on account of any and whatever responsibility they may have incurred through such infraction.

ARTICLE III.

If a Portuguese subject naturalized in America, renews his residence in Portugal, without intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Portugal renews his residence in the United States, without intent to return to Portugal, he shall be held to have renounced his naturalization in Portugal.

The intent not to return may be held to exist when the person naturalized in one country resides more than two years in the other country.

ARTICLE IV.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications, but if neither party shall have given to the other six months previous notice of its intention to terminate the same, it shall continue in force till six months after one of the contracting parties shall have notified the other of its intention to do so.

The ratifications of the present Convention shall be exchanged at Washington, as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at Washington this seventh day of May one thousand nine hundred and eight.

ELIHU ROOT [SEAL]
ALTE [SEAL]

1908.

EXTRADITION CONVENTION AND EXCHANGE OF NOTES CONCERNING DEATH PENALTY.[a]

Signed May 7, 1908; ratification advised by the Senate May 22, 1908; ratified by the President October 26, 1908; ratifications exchanged November 14, 1908; proclaimed December 14, 1908.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Offense for which to be tried.
V. Limitation; exemption.
VI. Deferring extradition.
VII. Persons claimed by other countries.
VIII. Nondelivery of citizens.
IX. Expenses.
X. Property in possession of accused.
XI. Applicability to colonies and possession; procedure.
XII. Provisional detention.
XIII. Assistance by legal officers.
XIV. Effect; ratification.

The United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, having judged it expedient, with a view to the better administration of justice and to the preven-

[a] See page 1475.

tion of crimes within their respective territories and jurisdictions, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State; and

His Most Faithful Majesty the King of Portugal and of the Algarves, Viscount de Alte, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

It is agreed that the Government of the United States of America and the Government of His Most Faithful Majesty the King of Portugal and of the Algarves shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with or may have been convicted of any of the crimes specified in Article II of this Convention committed within the jurisdiction of one of the Contracting Parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II.

Persons shall be delivered up according to the provisions of this Convention, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.

2. The attempt to commit murder.

3. Rape, abortion, carnal knowledge of children under the age of twelve years.

4. Bigamy.

5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(*a*) Piracy, as commonly known and defined by the law of Nations, or by Statute.

(*b*) Wrongfully sinking or destroying a vessel at sea or attempting to do so.

(*c*) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel.

(*d*) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.

9. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forging or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or the equivalent in Portuguese currency.

15. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or the equivalent in Portuguese currency.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or the equivalent in Portuguese currency.

18. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or the equivalent in Portuguese currency.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or the equivalent in Portuguese currency.

21. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

22. The extradition is also to take place for the participation in any of the aforesaid crimes as an accessory before or after the fact,

provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

ARTICLE III.

The provisions of this Convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the Contracting Parties in virtue of this Convention shall be tried or punished for a political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

ARTICLE IV.

No person shall be tried for any crime or offence other than that for which he was surrendered.

ARTICLE V.

A fugitive, accused or criminal, shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

ARTICLE VI.

If a fugitive, accused or criminal, whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

ARTICLE VII.

If a fugutive, accused or criminal, claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII.

Under the stipulations of this Convention, neither of the Contracting Parties shall be bound to deliver up its own citizens or subjects.

ARTICLE IX.

The expense of the arrest, detention, examination and transportation of the accused or criminal shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive, accused or criminal, at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the Contracting Parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

ARTICLE XI.

The stipulations of this Convention shall be applicable to all territory wherever situated, belonging to either of the Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective Diplomatic Agents of the Contracting Parties. In the event of the absence of such Agents from the country or its seat of Government, or where extradition is sought from a colonial possession of Portugal or from territory, included in the preceding paragraph, other than the United States, requisition may be made by superior Consular officers.

It shall be competent for such Diplomatic or superior Consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII.

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought

before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of the said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

ARTICLE XIII.

In every case of a request made by either of the two Contracting Parties for the arrest, detention or extradition of fugitives, criminal or accused, the legal officers or fiscal ministry of the country where the proceedings of extradition are had shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

This Convention shall take effect from the day of the exchange of the ratification thereof; but either Contracting Party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

The ratification of the present Convention shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 7th day of May, one thousand nine hundred and eight.

ELIHU ROOT. [L. S.]
ALTE. [L. S.]

Conclusion of President's Proclamation.

"Whereas, the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged at Washington on the fourteenth day of November, one thousand nine hundred and eight;

And whereas, in giving their advice and consent to the ratification of the said Convention, and as a part of the act of ratification, the Senate of the United States did, in a resolution adopted on May 22, 1908, state their understanding "that it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending, and that this agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty."

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof, subject to the understanding stated in the said resolution of the Senate.

In testimony whereof I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this fourteenth day of December in the year of our Lord one thousand nine hundred and [SEAL.] eight, and of the Independence of the United States of America, the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.

NOTES CONCERNING THE DEATH PENALTY, EXCHANGED BETWEEN THE PORTUGUESE MINISTER AND THE SECRETARY OF STATE AT THE TIME OF SIGNATURE OF THE EXTRADITION CONVENTION BETWEEN THE UNITED STATES AND PORTUGAL.

LEGATION OF PORTUGAL IN THE UNITED STATES.

[Translation.]

The undersigned Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and the Algarves has the honor to inform the Secretary of State of the United States that he has been instructed by His Excellency the Minister for Foreign Affairs of Portugal to place on record on behalf of the Portuguese Government, with reference to the Extradition Treaty which the Secretary of State and the undersigned have just signed, its understanding that the Government of the United States assures that the death penalty will not be enforced against criminals delivered by Portugal to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratifications of the treaty.

WASHINGTON, *May 7, 1908.*

VISCONDE D' ALTE.

To His Excellency ELIHU ROOT,
Secretary of State of the United States of America, etc., etc., etc.

DEPARTMENT OF STATE,
Washington, May 7, 1908.

In signing to-day with the Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and of the Algarves the extradition treaty which was negotiated between the Government of the United States and that of Portugal, the undersigned Secretary of State has the honor to acknowledge and to take cognizance of the Minister's note of this day's date stating that he has been instructed by His Excellency the Minister for Foreign Affairs of Portugal to place on record, on behalf of the Portuguese Government, its understanding that the Government of the United States assures that the death penalty will not be enforced against criminals delivered by Portugal to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratifications of the treaty.

In order to make this assurance in the most effective manner possible, it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending.

This agreement on the part of the United States will be mentioned in the ratifications of the treaty and will in effect form part of the treaty.

ELIHU ROOT

VISCONDE D' ALTE,
Minister of Portugal.

In Executive Session, Senate of the United States.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of an extradition treaty between the United States and Portugal, signed at Washington on May 7, 1908.

In giving this advice and consent to the ratification of the said treaty and as a part of the act of ratification, the Senate understands that it is agreed by the United States that no person charged with crime shall be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending, and that this agreement on the part of the United States will be mentioned in the ratifications of the treaty and will, in effect, form part of the treaty.

PRUSSIA.

(SEE GERMAN EMPIRE AND NORTH GERMAN UNION.)

1785.[a]

TREATY OF AMITY AND COMMERCE CONCLUDED SEPTEMBER 10, 1785; RATIFIED BY THE CONGRESS MAY 17, 1786; RATIFICATIONS EXCHANGED OCTOBER, 1786.

ARTICLES.

I. Amity.
II. Trading privileges by Prussians.
III. Trading privileges by Americans.
IV. Commercial intercourse.
V. Loading and unloading vessels.
VI. Examination of goods.
VII. Protection of property.
VIII. Treatment of vessels.
IX. Shipwrecks.
X. Disposition of property.
XI. Religious freedom.
XII. Trade in war.
XIII. Contrabond.
XIV. Sea letters.
XV. Treatment of vessels by ships of war.
XVI. Detention of vessels.
XVII. Return of recaptured vessels.
XVIII. Asylum for vessels.
XIX. Prizes.
XX. Letters of marque from enemy.
XXI. War against common enemy.
XXII. Mutual protection by ships of war.
XXIII. Time allowed merchants for settlement of affairs in case of war.
XXIV. Prisoners of war.
XXV. Consuls.
XXVI. Most favored nation.
XXVII. Duration; ratification.

His Majesty the King of Prussia and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, His Majesty and the United States have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement.

With this view, His Majesty the King of Prussia has nominated and constituted as his Plenipotentiary, the Baron Frederick William de Thulemeier, his Privy Counsellor of Embassy, and Envoy Extraordinary with their High Mightinesses the States-General of the United Netherlands; and the United States have, on their part, given full powers to John Adams, Esquire, late one of their Ministers Plenipotentiary for negotiating a peace, heretofore a Delegate in Congress from the State of Massachusetts, and Chief Justice of the same, and now Minister Plenipotentiary of the United States with His Britannic Majesty; Doctor Benjamin Franklin, late Minister Plenipotentiary at the Court of Versailles, and another of their Ministers Plenipotentiary for negotiating a peace; and Thomas Jef-

[a] This treaty expired by its own limitations October, 1796, but Article XII was revived by Article XII of the treaty of 1828.

ferson, heretofore a Delegate in Congress from the State of Virginia, and Governor of the said State, and now Minister Plenipotentiary of the United States at the Court of His Most Christian Majesty; which respective Plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled, and signed the following articles:

Article I.

There shall be a firm, inviolable, and universal peace and sincere friendship between His Majesty the King of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

Article II.

The subjects of His Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize; and shall pay within the said United States no other or greater duties, charges, or fees whatsoever, than the most favoured nations are or shall be obliged to pay: and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favoured nations.

Article III.

In like manner the citizens of the United States of America may frequent all the coasts and countries of His Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandize; and shall pay in the dominions of his said Majesty no other or greater duties, charges, or fees whatsoever than the most favoured nation is or shall be obliged to pay: and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the subjects of His Majesty the King of Prussia, and the subjects and citizens of the most favoured nations.

Article IV.

More especially each party shall have a right to carry their own produce, manufactures, and merchandize in their own or any other vessels to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them; and thence to take the produce, manufactures, and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges, and fees only as are or shall be paid by the most favoured nation. Nevertheless, the King of Prussia and the United States, and each

of them, reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nations retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case, the subjects or citizens of either of the contracting parties shall not import nor export the merchandize prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

Article V.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not within the ports of jurisdiction of the other be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

Article VI.

That the vessels of either party loading within the ports or jurisdiction of the other may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

Article VII.

Each party shall endeavour, by all the means in their power, to protect and *desend* [defend] all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

Article VIII.

The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments

for the safety and convenience of navigators, which duties, charges, and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established.

ARTICLE IX.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges, or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proce[e]ds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published, by His Majesty the King of Prussia, to prevent the emigration of his subjects.

ARTICLE XI.

The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, without being liable to molestation in that respect for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party shall die within the juris-

diction of the other, their bodies shall be buried in the usual burying-grounds or other decent and suitable places, and shall be protected from violation or disturbance.

Article XII.[a]

If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on bourd a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

Article XIII.

And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

Article XIV.

And in the same case where one of the parties is engaged in war with another Power, that the vessels of the neutral party may be readily and certainly known, it is agreed that they shall be provided with sea-letters or passports, which shall express the name, the property, and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require,) shall be renewed as often as the vessel shall return

[a] Revived by treaty of 1828.

into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Article XV.

And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest or injure in any manner whatever the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Article XVI.

It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention, or arrest for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Article XVII.

If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

Article XVIII.

If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, hea[l]th, and accommodation, and for the repair of their vessels.

Article XIX.

The vessels of war, public and private, of both parties, shall carry freely wheresoever they please the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But no vessel which shall have made prises on the subjects of His Most Christian Majesty the King of France shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said Most Christian Majesty and the said United States.

Article XX.

No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

Article XXI.

If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them:

1. If a vessel of one of the parties retaken by a privateer of the other shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one-third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor.

2. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one-thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one-tenth of the said value where she shall have been longer; which sums shall be distributed in gratuities to the recaptors.

3. The restitution in the cases aforesaid shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

4. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the States to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted.

5. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of

war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

Article XXII.

Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

Article XXIII.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carying off all their effects without molestation or hindrance. And all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniencies, and comforts of human life more easy to be obtained, and *and* more general, shall be allowed to pass free and unmolested; and neither of the contracting Powers shall grant or issue any commision to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

Article XXIV.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other and to the world that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided

by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustement of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them be witheld as a satisfaction or reprisal for any other article or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall breack his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Article XXV.

The two contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party shall chuse to make such appointment; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitttd in the same place.

Article XXVI.

If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the compensation, where such nation does the same.

Article XXVII.

His Majesty the King of Prussia and the United States of America agree that this treaty shall be in force during the term of ten years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then

the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

In testimony whereof the Plenipotentiaries before mentioned, have hereto subscribed their names and affixed their seals, at the places of their respective residence, and at the dates expressed under their several signatures.

[SEAL.] B. FRANKLIN.
Passy, July 9, 1785.

[SEAL.] TH: JEFFERSON.
Paris, July 28, 1785.

[SEAL.] JOHN ADAMS.
London, August 5, 1785.

[SEAL.] F. G. DE THULEMEIER.
A la Haye le 10 *Septembre*, 1785.

1799.[a]

TREATY OF AMITY AND COMMERCE.

Concluded July 11, 1799; ratification advised by the Senate February 18, 1800; ratified by the President February 19, 1800; ratifications exchanged June 22, 1800; proclaimed November 4, 1800.

ARTICLES.

I. Amity.
II. Prussian subjects in United States.
III. American citizens in Prussia.
IV. Commercial intercourse.
V. Lading and unlading vessels.
VI. Examination of goods.
VII. Protection of property.
VIII. Vessels not entering ports.
IX. Shipwrecks.
X. Disposition of property.
XI. Religious freedom.
XII. Free ships make free goods.
XIII. Contraband.
XIV. Sea letters.
XV. Treatment of vessels by war ships.
XVI. Embargoes.
XVII. Return of recaptured vessels.
XVIII. Asylum for vessels.
XIX. Prizes.
XX. Letters of marque from enemy.
XXI. War against common enemy.
XXII. Protection to vessels by war ships.
XXIII. Time allowed merchants in war.
XXIV. Prisoners of war.
XXV. Consuls.
XXVI. Most favored nation.
XXVII. Ratification.

His Majesty the King of Prussia and the United States of America, desiring to maintain upon a stable and permanent footing the connections of good understanding which have hitherto so happily subsisted between their respective States, and for this purpose to

[a] This treaty expired by its own limitations June 22, 1810, but the provisions of the articles XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, were revived by Article XII of the Treaty of May 1, 1828, with the exception of the last paragraph of the XIX article relating to treaties with Great Britain.

renew the treaty of amity and commerce concluded between the two Powers at the Hague the 10th of September, 1785, for the term of ten years, His Prussian Majesty has nominated and constituted as his Plenipotentiaries the Count Charles William de Finkenstein, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle, and Commander of that of St. John of Jerusalem, the Baron Philip Charles d'Alvensleben, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle, and of that of St. John of Jerusalem, and the Count Christian Henry Curt de Haugwitz, his Minister of State, of War, and of the Cabinet, Knight of the Orders of the Black Eagle and of the Red Eagle; and the President of the United States has furnished with their full powers John Quincy Adams, a citizen of the United States, and their Minister Plenipotentiary at the Court of His Prussian Majesty; which Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded, settled, and signed the following articles:

Article I.

There shall be in future, as there has been hitherto, a firm, inviolable, and universal peace and a sincere friendship between His Majesty the King of Prussia, his heirs, successors, and subjects, on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

Article II.

The subjects of His Majesty the King of Prussia may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay there no other or greater duties, charges, or fees whatsoever than the most favoured nations are or shall be obliged to pay. They shall also enjoy in navigation and commerce all the rights, privileges, and exemptions which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the e[s]tablished laws and usages to which are submitted the citizens of the United States and the most favoured nations.

Article III.

In like manner, the citizens of the United States of America may frequent all the coasts and countries of His Majesty the King of Prussia, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay, in the dominions of his said Majesty, no other or greater duties, charges, or fees whatsoever than the most favoured nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the most favoured nation does or shall enjoy, submitting themselves, nevertheless, to the established laws and usages to which are submitted the subjects of His Majesty the King of Prussia and the subjects and the citizens of the most favoured nations.

Article IV.

More especially, each party shall have a right to carry their own produce, manufactures, and merchandize, in their own or any other vessels, to any parts of the dominions of the other, where it shall be lawful for all the subjects and citizens of that other freely to purchase them, and thence to take the produce, manufactures, and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell to them, paying in both cases such duties, charges, and fees only, as are or shall be paid by the most favoured nation. Nevertheless, His Majesty the King of Prussia and the United States respectively reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessells of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit in their respective countries the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other. But if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

Article V.

The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

Article VI.

That the vessels of either party, loading within the ports or jurisdiction of the other, may not be uselessly harassed, or detained, it is agreed, that all examinations of goods, required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel, be seized or detained for that cause.

Article VII.

Each party shall endeavour by all the means in their power to protect and defend all vessels and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land; and shall use all their efforts to recover and cause to be restored to the right owners their vessels and effects, which shall be taken from them within the extent of their said jurisdiction.

ARTICLE VIII.

The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or who entering into port are not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation, and without being obliged to render account of their cargoes, or to pay any duties, charges, or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges, and fees shall be the same, and shall be paid on the same footing, as in the case of subjects or citizens of the country where they are established.

ARTICLE IX.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominions of the other, their respective citizens or subjects shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of the cargo be unladed, they shall pay no duties, charges, or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

ARTICLE X.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native in like case, untill the lawfull owner may take measures for receiving them. And if question should arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person, holding real estate, within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds, without molestation, and exempt from all rights of detraction on the part of the Government of the respective States. But this article shall

not derogate in any manner from the force of the laws already published or hereafter to be published by His Majesty the King of Prussia, to prevent the emigration of his subjects.

Article XI.

The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, and no person shall be molested in that respect for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying-grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Article XII.

Experience having proved, that the principle adopted in the twelfth article of the treaty of 1785, according to which free ships make free goods, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose, after the return of a general peace, to agree, either separately between themselves or jointly with other Powers alike interested, to concert with the great maritime Powers of Europe such arrangements and such permanent principles as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars. And if in the interval either of the contracting parties should be engaged in a war to which the other should remain neutral, the ships of war and privateers of the belligerent Power shall conduct themselves towards the merchant vessels of the neutral Power as favourably as the course of the war then existing may permit, observing the principles and rules of the law of nations generally acknowledged.

Article XIII.

And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contra-

band nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpeter, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

Article XIV.

To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed that they shall be provided with the sea-letters and documents hereafter specified:

1. A passport, expressing the name, the property, and the burthen the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

2. A charter-party, that is to say, the contract passed for the freight of the whole vessel, or the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels belonging to the neutral party as shall have sailed from its ports before or within three months after the Government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals authorised to judge of the case may deem sufficient.

Article XV.

And to prevent entirely all disorder and violence in such cases, it is stipulated that, when the vessels of the neutral party, sailing without convoy, shall be met by any vessels of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel to examine

her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult in any manner whatever, the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Article XVI.

In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favoured nations, but without having the right to claim the exemption in their favour stipulated in the sixteenth article of the former treaty of 1785. But on the other hand, the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever, shall obtain from the Government that shall have employed them an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Article XVII.

If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by the Power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated in the twenty-first article for cases of recapture.

Article XVIII.

If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accidents, shall take refuge, with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accom[m]odation, and for the repair of their vessels.

Article XIX.

The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places ex-

pressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But, conformably to the treaties existing between the United States and Great Britain, no vessel that shall have made a prize upon British subjects shall have a right to shelter in the ports of the United States, but if forced therein by tempests, or any other danger or accident of the sea, they shall be obliged to depart as soon as possible.

Article XX.

No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter of marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of its naval or military force to the enemy of the other, to aid them offensively or defensively against the other.

Article XXI.

If the two contracting parties should be engaged in a war against a common enemy, the following points shall be observed between them:

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war, and one-sixth part, if made by a privateer.

2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

3. The vessels of war, public and private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each, but the said prizes shall not be discharged or sold there, until their legality shall have been decided according to the laws and regulations of the State to which the captor belongs, but by the judicatories of the place into which the prize shall have been conducted.

4. It shall be free to each party to make such regulations as they shall judge necessary, for the conduct of their respective vessels of war, public and private, relative to the vessels, which they shall take, and carry into the ports of the two parties.

Article XXII.

When the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

Article XXIII.

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

Article XXIV.

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to the world and to each other that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies or any other parts of Asia or Africa, but that they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with or set off against any others, nor the balances due on them be withheld as a satisfaction or reprizal for any other article or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other

prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

Article XXV.

The two contracting parties have granted to each other the liberty of having each in the ports of the other Consuls, Vice-Consuls, Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favoured nations; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Article XXVI.

If either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

Article XXVII.

His Majesty the King of Prussia and the United States of America agree that this treaty shall be in force during the term of ten years from the exchange of the ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war shall continue in force until the conclusion of the treaty which shall restore peace.

This treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature, or sooner if possible.

In testimony whereof, the Plenipotentiaries before mentioned have hereto subscribed their names and affixed their seals. Done at Berlin, the eleventh of July, in the year one thousand seven hundred and ninety-nine.

[SEAL.] John Quincy Adams.
[SEAL.] Charles William Comte de Finkenstein.
[SEAL.] Philippe Charles d'Alvensleben.
[SEAL.] Chretien Henri Curce Comte de Haugwiz.

1828.

Treaty of Commerce and Navigation.[a]

Concluded May 1, 1828; ratification advised by the Senate May 14, 1828; ratification again advised and time for exchange of ratification extended by the Senate March 9, 1829; ratifications exchanged March 14, 1829; proclaimed March 14, 1829.

Articles.

I. Freedom of commerce and navigation.
II. No discrimination of shipping charges.
III. No discrimination in import duties on account of vessels.
IV. Application of two preceding sections.
V. No discrimination of import duties.
VI. No discrimination of export duties.
VII. Coastwise trade.
VIII. No preference to importing vessel.
IX. Most favored nation commercial privileges.
X. Consular privileges and jurisdiction.
XI. Deserters from ships.
XII. Articles of former treaties revived.
XIII. Blockades.
XIV. Estates of deceased persons.
XV. Duration.
XVI. Ratification.

The United States of America and His Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, and applicable in time of peace as well as in time of war, have, in consequence, agreed to enter into negotiations for the conclusion of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on Henry Clay, their Secretary of State; and His Majesty the King of Prussia has conferred like powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of His said Majesty, near the United States; and the said Plenipotentiaries, having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

Article I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty, to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

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[a] Federal cases: Ex parte Newman (14 Wall., 152; U. S. *v.* Diekelman, 92 U. S., 520); The Elwine Kreplin, 4 Benedict, 417, 9 Blatch., 438; North German Lloyd S. S. Co. *v.* Hedden (43 Fed. Rep., 17), Diekelman *v.* U. S. (8 Ct. Cls., 371); Disconto Gesellschaft *v.* Umbreit (208 U. S., 570).

ARTICLE II.

Prussian vessels arriving either laden or in ballast in the ports of the United States of America, and, reciprocally, vessels of the United States arriving either laden or in ballast in the ports of the Kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

ARTICLE III.

All kind of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the Kingdom of Prussia, in Prussian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the Kingdom of Prussia, or of any other country, which may be lawfully imported into the ports of the United States in vessels of the said States, may also be so imported in Prussian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

ARTICLE IV.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Prussian vessels and their cargoes arriving in the ports of the United States of America, and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Prussia, and no higher or other duties shall be imposed on the importation into the Kingdom of Prussia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign

country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Prussia, to or from the ports of the United States, or to or from the ports of Prussia, which shall not equally extend to all other nations.

ARTICLE VI.

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States in national vessels, may also be exported therefrom in Prussian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the Kingdom of Prussia, so that all kind of merchandise and articles of commerce, either the produce of the soil or the industry of the said Kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

ARTICLE VII.

The preceding articles are not applicable to the coastwise navigation of the two countries, which is respectively reserved by each of the high contracting parties exclusively to itself

ARTICLE VIII.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IX.

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

ARTICLE X.

The two contracting parties have granted to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls,

Agents, and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

Article XI.

The said Consuls, Vice-Consuls, and Commercial Agents are authorised to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article XII.

The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to treaties with Great Britain, are hereby revived with the same force and virtue as if they made part of the context of the present treaty, it being, however, understood that the stipulations contained in the articles thus revived shall be always considered as in no manner affecting the treaties or conventions concluded by either party with other Powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

The parties being still desirous, in conformity with their intention declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime Powers, further provisions to ensure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject at some future and convenient period.

ARTICLE XIII.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learnt, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIV.

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation and exempt from all duties of detraction, on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by His Majesty the King of Prussia, to prevent the emigration of his subjects.

ARTICLE XV.

The present treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high

contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months, which will follow a similar notification, whatever the time at which it may take place.

ARTICLE XVI.

This treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Prussia, and the ratifications shall be exchanged in the city of Washington, within nine months from the date of the signature hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages, and they have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done in triplicate at the city of Washington on the first day of May, in the year of our Lord one thousand eight hundred and twenty-eight, and the fifty-second of the Independence of the United States of America.

[SEAL.] H. CLAY.
[SEAL.] LUDWIG NIEDERSTETTER.

1852.

EXTRADITION CONVENTION.[a]

Concluded June 16, 1852; ratification advised by the Senate March 15, 1853; ratified by the President May 27, 1853; ratifications exchanged May 30, 1853; proclaimed June 1, 1853.

(This treaty was concluded by the King of Prussia for the Kingdom of Prussia and other States of the Germanic Confederation therein named. It was acceded to by the following German States: Bremen, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Schaumburg-Lippe, and Württemburg.)

ARTICLES.

I. Extraditable crimes; procedure.
II. Accession of other German States.
III. Nondelivery of citizens.
IV. Persons under trial.
V. Duration.
VI. Ratification.

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, and also to enumerate such crimes explicitly; and whereas the laws and constitution of Prussia, and of the other German States, parties to this convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the conven-

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[a] In re Henrich (5 Blatch., 414), In re Stupp (11 Blatch., 124), In re Wiegand (14 Blatch., 370), In re Behrendt (22 Fed. Rep., 699), In re Risch (36 Fed. Rep., 546), In re Krojanker (44 Fed. Rep., 482), Terlinden *v.* Ames (184 U. S., 270).

tion strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States: Therefore, on the one part, the United States of America, and, on the other part, His Majesty the King of Prussia, in his own name, as well as in the name of His Majesty the King of Saxony, His Royal Highness the Elector of Hesse, His Royal Highness the Grand Duke of Hesse and on Rhine, His Royal Highness the Grand Duke of Saxe-Weimar-Eisenach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe-Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Highness the Duke of Brunswick, His Highness the Duke of Anhalt-Dessau, His Highness the Duke of Anhalt-Bernburg, His Highness the Duke of Nassau, His Serene Highness the Prince Schwarzburg-Rudolstadt, His Serene Highness the Prince of Schwarzburg-Sondershausen, Her Serene Highness the Princess and Regent of Waldeck, His Serene Highness the Prince of Reuss, elder branch, His Serene Highness the Prince of Reuss, junior branch, His Serene Highness the Prince of Lippe, His Serene Highness the Landgrave of Hesse-Homburg, as well as the free city of Francfort, having resolved to treat on this subject, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a convention, that is to say:

The President of the United States of America, Daniel Webster, Secretary of State, and His Majesty the King of Prussia in his own name, as well as in the name of the other German Sovereigns above enumerated, and the free city of Francfort, Frederic Charles Joseph von Gerolt, his said Majesty's Minister Resident near the Government of the United States;

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

Article I.

It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in or which may hereafter accede to this convention, shall upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that

a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE II.

The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

ARTICLE III.

None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE IV.

Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE V.

The present convention shall continue in force until the 1st of January, 1858, and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said first day of January, 1858.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the Government of Prussia, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done in triplicate at Washington, the sixteenth day of June, one thousand eight hundred and fifty-two, and the seventy-sixth year of the Independence of the United States.

[SEAL.] DAN'L WEBSTER.
[SEAL.] FR. V. GEROLT.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice, in certain cases, that the stip-

ulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto;

And whereas the Free Hanseatic city of Bremen has declared its accession to the said convention, and the exchange of the said declaration for my acceptance of the same was made at Washington on the 14th instant, by Rudolph Schleiden, Minister Resident of the said Free Hanseatic city of Bremen, and William L. Marcy, Secretary of State of the United States, on behalf of their respective governments:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said convention may be observed and fulfilled with good faith in respect to the Free Hanseatic city of Bremen by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at Washington the fifteenth day of October, in the year of our Lord one thousand eight hundred and fifty-three, and of the Independence of the United States the seventy-eighth.

[SEAL.] FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

Additional Article to the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States, on the one part, and Prussia and other States of the Germanic Confederation, on the other part, at Washington, the 16th day of June, one thousand eight hundred and fifty-two.

Whereas it may not be practicable for the ratifications of the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, between the United States and Prussia and other States of the Germanic Confederation, signed at Washington on the 16th day of June, 1852, to be exchanged within the time stipulated in said Convention; and whereas both parties are desirous that it should be carried into full and complete effect, the President of the United States of America has fully empowered on his part Edward Everett, Secretary of State of the United States, and His Majesty the King of Prussia, in His own name, as well as in the name of the other German Sovereigns enumerated in the aforesaid Convention, has likewise fully empowered Frederick Charles Joseph von Gerolt, His said Majesty's Minister Resident near the Government of the United States, who have agreed to and signed the following article:

The ratifications of the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 16th of June, 1852, shall be exchanged at Washington within one year from the date of this agreement, or sooner, should it be possible.

The present additional Article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid Convention of the 16th of June, 1852, and shall be approved and ratified in the manner therein prescribed.

In faith whereof, we, the respective Plenipotentiaries, have signed this agreement and have hereunto affixed our seals.

Done at Washington, this sixteenth day of November, one thousand eight hundred and fifty-two, and the seventy-seventh year of the Independence of United States.

EDWARD EVERETT, [L. S.]
FR. VON GEROLT, [L. S.]

[Notice of the accession of the Governments of Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Schaumburg-Lippe, and Würtemburg to the foregoing convention of June 16, 1852, with Prussia and other States of the Germanic Confederation, and to the additional article thereto of November 16, 1852, with the date of such accession, and that of the proclamation of the fact by the President, will be found under the names of the respective States in their alphabetical order.]

ROUMANIA.

1881.

Consular Convention.

Concluded June 17, 1881; ratification advised by the Senate April 3, 1882; ratified by the President April 6, 1882; ratifications exchanged June 13, 1883; proclaimed July 9, 1883.

Articles.

I. Consular officers.
II. Most favored nation consular privileges.
III. Exemptions.
IV. Testimony by consuls.
V. Arms and flags.
VI. Immunities of offices and archives.
VII. Acting officers.
VIII. Vice-consuls and agents.
IX. Applications to authorities.
X. Notarial powers.
XI. Shipping disputes.
XII. Deserters from ships.
XIII. Damages to vessels at sea.
XIV. Shipwrecks and salvage.
XV. Estates of deceased persons.
XVI. Duration; ratification.

The United States of America and His Majesty the King of Roumania, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their plenipotentiaries:

The United States of America, Eugene Schuyler, their Chargé d'Affaires and Consul-General; His Majesty the King of Roumania, Mr. D. Bratiano, President of His Council of Ministers, His Minister of Foreign Affairs, etc., etc., who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

Article I.

Each of the high contracting parties agrees to receive from the other, consuls-general, consuls, vice-consuls and consular agents, in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

Article II.

The consuls-general, consuls, vice-consuls and consular agents of each of the two high contracting parties shall enjoy reciprocally,

in the States of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the excercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

Article III.

Consuls-general, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions.

This exemption shall not, however, apply to consuls-general, consuls, vice-consuls, or consular agents engaged in any profession, business or trade, but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

It is understood that the respective consuls, if they are merchants, shall be entirely submitted, as far as concerns preliminary arrest for commercial acts, to the legislation of the country in which they exercise their functions.

Article IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Roumania in the like cases.

ARTICLE V.

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate or Consular Agency of the United States, or of Roumania.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may, in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

ARTICLE VII.

In the event of the death, incapacity or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington, or to the Ministry of Foreign Affairs in Roumania, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, perogatives and immunities granted to the incumbents.

ARTICLE VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction. These agents may be selected from among citizens of the United States, Roumanians, or citizens of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles 3 and 4.

ARTICLE IX.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to address the administrative and judicial authorities, whether in the United States, of the Union, the States or the municipalities, or in Roumania, of the State, the district or the commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Roumania, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

ARTICLE X.

Consuls-general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship, the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated or to business to be transacted in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Roumania.

ARTICLE XI.

The respective consuls-general, consuls, vice-consuls and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of all differences which may arise, either at sea or in port, between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere except when the disorder that has arisen is of such a nature as to disturb tranquillity and public order on shore, or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases, the aforesaid authorities shall confine themselves to lending aid to the consuls and vice-consuls or consular agents, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew-list, whenever, for any cause, the said officers shall think proper.

ARTICLE XII.

The respective consuls-general, consuls, vice-consuls and consular agents may cause to be arrested the officers, sailors and all other persons making part of the crews, in any manner whatever, of ships of war, or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company.

Upon such request thus supported, the delivery to them of the deserters cannot be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew-list. All

the necessary aid and protection shall be furnished for the pursuit, seizure and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of three months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they again be arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offence shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

ARTICLE XIII.

In the absence of an agreement to the contrary between the owners freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port voluntarily or are forced by stress of weather, shall be settled by the consuls-general, consuls, vice-consuls and consular agents of the respective countries. If, however, any inhabitant of the country, or citizen or subject of a third power, shall be interested in the matter, and the parties cannot agree, the competent local authorities shall decide.

ARTICLE XIV.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Roumania, and of Roumanian vessels wrecked upon the coasts of the United States, shall be directed by the consuls-general, consuls and vice-consuls of the two countries respectively, and, until their arrival, by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities, until the arrival of the consul in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property.

The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved.

It is understood that such merchandise is not to be subjected to any custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XV.

In case of the death of any citizen of the United States in Roumania, or of any Roumanian in the United States, without having any known heirs or testamentary executor by him appointed, the

competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to parties interested.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs or creditors, until they are duly represented.

ARTICLE XVI.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Bucarest as soon as possible.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof the respective plenipotentiaries have signed this convention in duplicate, and have hereunto affixed their seals.

Done at Bucarest the 5–17 day of June, in the year one thousand eight hundred and eighty-one.

[SEAL.] EUGENE SCHUYLER.
[SEAL.] D. BRATIANO.

1906.

CONVENTION BETWEEN THE UNITED STATES AND ROUMANIA FOR THE RECIPROCAL PROTECTION OF TRADE-MARKS.

Signed at Bucharest March 18/31, 1906; ratification advised by the Senate May 4, 1906; ratified by the President May 10, 1906; Ratifications exchanged at Bucharest June 21, 1906; proclaimed June 25, 1906.

ARTICLES.

I. Reciprocal rights.
II. Formalities to be observed.
III. Effect; ratification.

The United States of America and His Majesty the King of Roumania being desirous of securing a complete and effective protection of the manufacturing industry of the citizens and subjects of the two countries, the undersigned, being duly authorized to that effect, have agreed upon the following provisions:

ARTICLE I.

The citizens and subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same rights as are given to native citizens or subjects in matters relating to trade-marks.

ARTICLE II.

In order to secure to their marks the protection stipulated for by the preceding article, American citizens in the Kingdom of Roumania and Roumanian subjects in the United States of America, must fulfil the formalities prescribed to that effect by the laws and regulations of the country in which the protection is desired.

ARTICLE III.

The present Convention shall take effect from the date of its official publication in the two countries and shall remain in force until the expiration of twelve months immediately following a denunciation made by one or the other of the contracting parties.

In witness whereof, the undersigned have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Bucharest, March 18/31, 1906.

J. W. RIDDLE [SEAL]
GENERAL J. N. LAHOVARY [SEAL]

RUSSIA.

1824.

Convention as to the Pacific Ocean and Northwest Coast of America.

Concluded April 17, 1824; ratification advised by the Senate January 5, 1825; ratified by the President January 7, 1825; ratifications exchanged January 11, 1825; proclaimed January 12, 1825.

(Translation from the original, which is in the French language.)

Articles.

I. Navigation, fishing, and trading.
II. Illicit trade.
III. Mutual limit of occupation of northwest coast.
IV. Temporary fishing and trading agreement.
V. Sale of liquors and firearms prohibited.
VI. Ratification.

In the name of the Most Holy and Indivisible Trinity.

The President of the United States of America and His Majesty the Emperor of all the Russias, wishing to cement the bonds of amity which unite them, and to secure between them the invariable maintenance of a perfect concord, by means of the present convention, have named as their Plenipotentiaries to this effect, to wit:

The President of the United States of America, Henry Middleton, a citizen of said States, and their Envoy Extraordinary and Minister Plenipotentiary near his Imperial Majesty; and His Majesty the Emperor of all the Russias, his beloved and faithful Charles Robert Count of Nesselrode, actual Privy Counsellor, Member of the Council of State, Secretary of State directing the administration of Foreign Affairs, actual Chamberlain, Knight of the Order of St. Alexander Nevsky, Grand Cross of the Order of St. Wladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the Order of St. Stephen of Hungary, Knight of the Orders of the Holy Ghost and St. Michael, and Grand Cross of the Legion of Honor of France, Knight Grand Cross of the Orders of the Black and of the Red Eagle of Prussia, of the Annunciation of Sardinia, of Charles III of Spain, of St. Ferdinand and of Merit of Naples, of the Elephant of Denmark, of the Polar Star of Sweden, of the Crown of Würtemberg, of the Guelphs of Hanover, of the Belgic Lion, of Fidelity of Baden, and of St. Constantine of Parma; and Pierre de Poletica, actual Counsellor of State, Knight of the Order of St. Anne of the first class, and Grand Cross of the Order of St. Wladimir of the second;

Who, after having exchanged their full powers, found in good and due form have agreed upon and signed the following stipulations:

ARTICLE I.

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of the high contracting Powers shall be neither disturbed nor restrained, either in navigation or in fishing, or in the power of resorting to the coasts, upon points which may not already have been occupied, for the purpose of trading with the natives, saving always the restrictions and conditions determined by the following articles.

ARTICLE II.

With a view of preventing the rights of navigation and of fishing exercised upon the Great Ocean by the citizens and subjects of the high contracting Powers from becoming the pretext for an illicit trade, it is agreed that the citizens of the United States shall not resort to any point where there is a Russian establishment, without the permission of the governor or commander; and that, reciprocally, the subjects of Russia shall not resort, without permission, to any establishment of the United States upon the Northwest coast.

ARTICLE III.

It is moreover agreed that, hereafter, there shall not be formed by the citizens of the United States, or under the authority of the said States, any establishment upon the Northwest coast of America, nor in any of the islands adjacent, to the north of fifty-four degrees and forty minutes of north latitude; and that, in the same manner, there shall be none formed by Russian subjects, or under the authority of Russia, south of the same parallel.

ARTICLE IV.

It is, nevertheless, understood that during a term of ten years, counting from the signature of the present convention, the ships of both Powers, or which belong to their citizens or subjects respectively, may reciprocally frequent, without any hindrance whatever, the interior seas, gulfs, harbors, and creeks, upon the coast mentioned in the preceding article, for the purpose of fishing and trading with the natives of the country.

ARTICLE V.

All spirituous liquors, fire-arms, other arms, powder, and munitions of war of every kind, are always excepted from this same commerce permitted by the preceding article; and the two Powers engage, reciprocally, neither to sell, nor suffer them to be sold, to the natives by their respective citizens and subjects, nor by any person who may be under their authority. It is likewise stipulated that this restriction shall never afford a pretext, nor be advanced, in any case, to authorize either search or detention of the vessels, seizure of the

merchandize, or, in fine, any measures of constraint whatever towards the merchants or the crews who may carry on this commerce; the high contracting Powers reciprocally reserving to themselves to determine upon the penalties to be incurred, and to inflict the punishments in case of the contravention of this article by their respective citizens or subjects.

ARTICLE VI.

When this convention shall have been duly ratified by the President of the United States, with the advice and consent of the Senate, on the one part, and, on the other, by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington in the space of ten months from the date below, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at St. Petersburg the 17–5 April, of the year of Grace one thousand eight hundred and twenty-four.

[SEAL.] HENRY MIDDLETON.
[SEAL.] Le Comte CHARLES DE NESSELRODE.
[SEAL.] PIERRE DE POLETICA.

1832.

TREATY OF COMMERCE AND NAVIGATION.[a]

Concluded December 18, 1832; ratification advised by the Senate February 27, 1833; ratified by the President April 8, 1833; ratifications exchanged May 11, 1833; proclaimed May 11, 1833.

ARTICLES.

I. Freedom of commerce and navigation.
II. Reciprocal treatment of vessels.
III. No discrimination on account of vessels importing.
IV. Application of two preceding articles.
V. Export duties.
VI. Import duties.
VII. Coastwise trade.
VIII. Consular officers and powers.
IX. Deserters from ships.
X. Estates of deceased persons.
XI. Most favored nation commercial privileges.
XII. Duration.
XIII. Ratification.
Separate article: Trade with Prussia, Sweden, Norway, Poland, and Finland.

In the name of the Most Holy and indivisible Trinity

The United States of America, and His Majesty the Emperor of all the Russias, equally animated with the desire of maintaining the relations of good understanding, which have hitherto so happily subsisted between their respective States, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a Treaty of navigation and commerce, For which purpose the President of the United States

[a] Federal cases: Taylor *v.* Morton, 2 Curtis, 454; Ropes *v.* Clinch, 8 Blatch., 304; Tucker *v.* Alexandroff, 183 U. S., 424; U. S. *v.* Metherwell, 103 Fed. Rep., 198; Metherwell *v.* U. S., 107 Fed. Rep., 437.

has conferred full powers on James Buchanan their Envoy Extraordinary and Minister Plenipotentiary near His Imperial Majesty; and His Majesty the Emperor of all the Russias has conferred like powers on the Sieur Charles Robert Count de Nesselrode, His Vice-Chancellor, Knight of the orders of Russia, and of many others &c; and the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following Articles:

ARTICLE I.

There shall be between the territories of the high contracting parties, a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall, mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

ARTICLE II.

Russian vessels arriving either laden or in ballast, in the ports of the United States of America; and, reciprocally, vessels of the United States arriving either laden, or in ballast in the ports of the Empire of Russia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels, coming from the same place, with respect to the duties of tonnage. In regard to light house duties, pilotage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied upon vessels of commerce, in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, the high contracting parties shall reciprocally treat each other, upon the footing of the most favored nations, with whom they have not Treaties now actually in force, regulating the said duties and charges on the basis of an entire reciprocity.

ARTICLE III.

All kinds of merchandise and articles of commerce, which may be lawfully imported into the ports of the Empire of Russia, in Russian vessels, may, also, be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in Russian vessels. And, reciprocally, all kinds of merchandise and articles of commerce, which may be lawfully imported into the ports of the United States of America, in vessels of the said States, may also be so imported in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the

local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been imported in vessels of the United States of America.

ARTICLE IV.

It is understood that the stipulations contained in the two preceding Articles, are, to their full extent, applicable to Russian vessels, and their cargoes, arriving in the ports of the United States of America; and, reciprocally, to vessels of the said States and their cargoes, arriving in the ports of the Empire of Russia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

All kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the United States of America in national vessels may, also, be exported therefrom in Russian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And, reciprocally, all kind of merchandise and articles of commerce, which may be lawfully exported from the ports of the Empire of Russia in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name, or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Russian vessels.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States, of any article, the produce or manufacture of Russia; and no higher or other duties shall be imposed on the importation into the Emipre of Russia, of any article, the produce or manufacture of the United States, than are, or shall be, payable on the like article, being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Russia, to, or from the ports of the United States, or to, or from the ports of the Russian Empire, which shall not equally extend to all other nations.

ARTICLE VII.

It is expressly understood that the preceding Articles II, III, IV, V, and VI shall not be applicable to the coastwise navigation of either of the two countries, which each of the high contracting parties reserves exclusively to itself.

Article VIII.

The two contracting parties shall have the liberty of having, in their respective ports, Consuls, Vice-Consuls, Agents and commissaries of their own appointment, who shall enjoy the same privileges and powers, as those of the most favored nations; but if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their Nation are submitted, in the same place.

The Consuls, Vice-Consuls, and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the Captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews, or of the captain, should disturb the order of the tranquillity of the country; or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their Country.

Article IX.

The said Consuls, Vice-Consuls, and Commercial Agents, are authorized to require the assistance of the local authorities, for the search, arrest, detention and imprisonment of the deserters from ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents that such individuals formed part of the crews; and, this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within four months, from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced it's sentence, and such sentence shall have been carried into effect.

Article X.

The citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall

succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same, at will, paying to the profit of the respective Governments, such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native of the same country, in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants, as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate, within the territories of one of the high contracting parties, such real estate would by the laws of the land, descend on a citizen or subject of the other party, who by reason of alienage may be incapable of holding it, he shall be allowed the time fixed by the laws of the country, and in case the laws of the country, actually in force may not have fixed any such time, he shall then be allowed a reasonable time to sell such real estate and to withdraw and export the proceeds without molestation, and without paying to the profit of the respective Governments, any other dues than those to which the inhabitants of the country wherein said real estate is situated, shall be subject to pay, in like cases. But this Article shall not derogate, in any manner, from the force of the laws already published, or which may hereafter be published by His Majesty the Emperor of all the Russias: to prevent the emigration of his subjects.

Article XI.

If either party shall, hereafter, grant to any other nation, any particular favor in navigation or commerce, it shall, immediately, become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional.

Article XII.

The present treaty, of which the effect shall extend, in like manner, to the Kingdom of Poland, so far as the same may be applicable thereto, shall continue in force until the first day of January, in the year of our Lord one thousand Eight hundred and Thirty nine, and if, one year before that day, one of the high contracting parties, shall not have announced to the other, by an official notification, it's intention to arrest the operation thereof, this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification.

Article XIII.

The present Treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by His Majesty the Emperor of all the Russias; and the ratifications shall be exchanged in the City of Washington within the space of one year, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty in duplicate and affixed thereto the seal of their arms.

Done at S[t] Petersburg $\frac{\text{sixth}}{\text{eighteenth}}$ December, in the year of Grace, One thousand Eight hundred and thirty two.

JAMES BUCHANAN. [SEAL.]
[SEAL.] CHARLES COMTE DE NESSELRODE.

SEPERATE ARTICLE

Certain relations of proximity and anterior engagements, having rendered it necessary for the Imperial Government to regulate the commercial relations of Russia with Prussia and the Kingdoms of Sweden and Norway by special stipulations, now actually in force, and which may be renewed hereafter; which stipulations are, in no manner connected with the existing regulations for foreign commerce in general; the two high contracting parties, wishing to remove from their commercial relations every kind of ambiguity or subject of discussion, have agreed, that the special stipulations granted to the commerce of Prussia, and of Sweden and Norway, in consideration of equivalent advantages granted in these countries, by the one to the commerce of the Kingdom of Poland, and by the other to that of the Grand Dutchy of Finland, shall not, in any case, be invoked in favor of the relations of commerce and navigation, sanctioned between the two high contracting parties by the present Treaty.

The present Seperate Article shall have the same force and value as if it were inserted, word for word, in the Treaty signed this day, and shall be ratified at the same time.

In faith whereof, we, the undersigned, by virtue of our respective full powers, have signed the present Seperate Article, and affixed thereto the seals of our arms.

Done at S[t]. Petersburg, the $\frac{6}{18}$ of December, in the year of Grace, one Thousand Eight hundred & thirty two.

JAMES BUCHANAN [SEAL.]
[SEAL.] CHARLES COMTE DE NESSELRODE.

1854.

CONVENTION AS TO RIGHTS OF NEUTRALS AT SEA.

Concluded July 22, 1854; ratification advised by the Senate July 25, 1854; ratified by the President August 12, 1854; ratifications exchanged October 31, 1854; proclaimed November 1, 1854.

ARTICLES.

I. Principles of free ships and neutral property.
II. Extension of principles.
III. Accession of other nations.
IV. Ratification.

The United States of America and His Majesty the Emperor of all the Russias, equally animated with a desire to maintain, and to preserve from all harm, the relations of good understanding which have at all times so happily subsisted between themselves, as also between

the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose, the President of the United States has conferred full powers on William L. Marcy, Secretary of State of the United States; and His Majesty the Emperor of all the Russias has conferred like powers on M^r^ Edward de Stoeckl, Counsellor of State, Knight of the Orders of S^te^ Anne of the 2^d^ Class, of S^t^ Stanislas, of the 4^th^ Class, and of the Iron Crown of Austria, of the 3^d^ Class, His Majesty's Chargé d'Affaires near the Government of the United States of America: and said Plenipotentiaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

ARTICLE I.

The two High Contracting Parties recognise as permanent and immutable the following principles, to wit:

1^st^ That free ships make free goods that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war.

2^d^ That the property of neutrals on board an enemy's vessel is not subject to confiscation, unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

ARTICLE II.

The two High Contracting Parties reserve themselves to come to an ulterior understanding as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1^st^ Article. But they declare from this time that they will take the stipulations contained in said Article 1., as a rule, whenever it shall become a question, to judge of the rights of neutrality.

ARTICLE III.

It is agreed by the High Contracting Parties that all Nations which shall or may consent to accede to the rules of the first Article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the Emperor

of all the Russias, and the ratifications of the same shall be exchanged at Washington within the period of ten months, counting from this day, or sooner, if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention, in duplicate, and thereto affixed the seal of their arms.

Done at Washington the twenty second day of July, the year of grace 1854.

W. L. Marcy.
[seal.]
Edouard Stoeckl.
[seal.]

1867.

Convention ceding Alaska.[a]

Concluded March 30, 1867; ratification advised by the Senate April 9, 1867; ratified by the President May 28, 1867; ratifications exchanged June 20, 1867; proclaimed June 20, 1867.

Articles.

I. Territory ceded; boundaries.
II. Public property ceded.
III. Citizenship of inhabitants; uncivilized tribes.
IV. Formal delivery.
V. Withdrawal of troops.
VI. Payment; effect of cession.
VII. Ratification.

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

Article I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications therof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees

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[a] Federal cases: Kinkead *v.* U. S., 150 U. S.; 18 Ct. Cl., 504; 24 Ct. Cl., 459; Callsen *v.* Hope, 75 Fed. Rep., 758; Rassmussen *v.* U. S., 197 U. S., 516.

40 minutes north latitude, and between the 131st and 133d degree of west longitude, (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

Article II.

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any Government archives, papers, and documents relative to the territory and dominion aforesaid, which may now be existing there, will be left

in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects as they may apply for.

Article III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States, may from time to time, adopt in regard to aboriginal tribes of that country.

Article IV.

His Majesty, the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

Article V.

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the Territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

Article VI.

In consideration of the cession aforesaid, the United States agree to pay at the Treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property-holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII.

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by His Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL.] EDOUARD DE STOECKL,
[SEAL.] WILLIAM H. SEWARD,

1868.

ADDITIONAL ARTICLE TO TREATY OF COMMERCE, 1832. TRADE-MARKS.

Concluded January 27, 1868; ratification advised by the Senate July 25, 1868; ratified by the President August 14, 1868; ratifications exchanged September 21, 1868; proclaimed October 15, 1868.

ARTICLE.—COUNTERFEITING OF TRADE-MARKS PROHIBITED; REGISTRATION.

The United States of America and his Majesty the Emperor of all the Russias, deeming it advisable that there should be an additional Article to the Treaty of Commerce between them, of the $\frac{6}{18}$ December 1832, have for this purpose named as their Plenipotentiaries, the President of the United State, William H. Seward, Secretary of State, and His Majesty the Emperor of all the Russias, the Privy Councillor, Edward de Stoeckl, accredited as His Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following:

ADDITIONAL ARTICLE.

The High Contracting Parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade marks affixed in the other on merchandize to show its origin and quality, shall be strictly prohibited and repressed, and shall give ground for an action of damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be lodged exclusively, to wit, the marks of citizens of the United States, in the Department of Manufactures and Inland Commerce, at S^{t} Petersburg, and the marks of Russian subjects, at the Patent Office in Washington.

This additional Article shall be terminable by either party, pursuant to the twelfth Article of the Treaty to which it is an addition. It shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty, the Emperor of all the Russias; and the respective ratifications of the same shall be exchanged at S^{t} Petersburg; within nine months from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present additional Article in duplicate and affixed thereto the seal of their arms.

Done at Washington, the twenty seventh day of January, in the year of Grace, one thousand eight hundred and sixty-eight.

[SEAL.] WILLIAM H. SEWARD.
[SEAL.] EDOUARD DE STOECKL.

1874.

TRADE-MARK DECLARATION.

Signed March 28, 1874; ratification advised by the Senate June 22, 1874; ratified by the President June 26, 1874; proclaimed November 24, 1874.

DECLARATION.

The Government of the United States of America and the Government of His Majesty the Emperor of all the Russias, having recognized the necessity of defining and rendering more efficacious the stipulations contained in the additional Article of the $\frac{15\text{th}}{27\text{th}}$ January 1868, to the Treaty of Commerce and Navigation, concluded between the United States of America and Russia, on the $\frac{6\text{th}}{18\text{th}}$ December 1832, the undersigned, duly authorized to that effect, have agreed upon the following arrangements:

ARTICLE 1.

With regard to marks of goods or of their packages and also with regard to marks of manufacture and trade, the Citizens of the United States of America shall enjoy in Russia, and Russian subjects shall enjoy in the United States, the same protection as native citizens.

ARTICLE II.

The preceding article, which shall come immediately into operation, shall be considered as forming an integral part of the Treaty of the $\frac{6\text{th}}{18\text{th}}$ December 1832 and shall have the same force and duration as the said Treaty.

In faith whereof the undersigned have drawn up and signed the present declaration and affixed thereto their seals.

Done in duplicate in the English and Russian languages at S^{t} Petersburg, this $\frac{16}{28}$ day of March. 1874.

[SEAL.] MARSHALL JEWELL.
[SEAL.] GORTCHACOW.

1884.

Declaration Concerning the Admeasurement of Vessels.

Signed June 6, 1884.

DECLARATION.

The English method for the admeasurement of vessels (the Moorsom system) being now in force not only in the United States of America but also in the Empire of Russia and the Grand Duchy of Finland, the undersigned, having been duly authorized by their Governments, hereby declare:

ARTICLE I.

That American vessels admeasured according to the aforesaid method, shall be admitted into the ports of Russia and Finland, and likewise that Russia and Finnish vessels admeasured according to the same system, shall be admitted into the ports of the United States, without being subjected, for the payment of navigation dues, to any new admeasurement whatever.

These navigation dues shall be computed according to the net tonnage.

A. Russian certificates of admeasurement issued since $\frac{\text{December 20, 1879}}{\text{January 1, 1880,}}$ and Finnish certificates of admeasurement issued since May 31, 1877, shall be recognized in the United States of America without any formality as regards the net tonnage of *sailing* or *steam* vessels.

B. In like manner American certificates of admeasurement shall be recognized in Russia and Finland without any formality as regards the tonnage of American *sailing* vessels. American certificates of admeasurement, issued since $\frac{\text{July 24,}}{\text{August 5,}}$ 1882, shall be recognized in Russia and Finland without any formality as regards the net tonnage of American *steam* vessels. As the American admeasurement regulations which were in force previously to that date make no deduction for the space occupied by the machinery and its appurtenances, certificates of admeasurement of American vessels issued before the act of $\frac{\text{July 24,}}{\text{August 5,}}$ 1882, took effect, shall be recognized in Russian and Finnish ports without such vessels being subjected to the readmeasurement, but on condition that the navigation dues shall be computed according to the gross tonnage stated in the certificate of admeasurement. The owners or captains of such vessels shall, nevertheless, if they desire it, have a right to demand a partial readmeasurement according to Russian or Finnish rules, in order thereby to secure a reduction of such dues.

C. Inasmuch as the Russian and Finnish regulations are not entirely in conformity with those of the United States of America in respect to the admeasurement of steam vessels, commanders of Russian or Finnish vessels in American ports, and *vice versa*, shall have the right to demand the partial readmeasurement of the space occupied by the machinery, boilers, etc., according to the system in force in the port in which they are. The other figures of the certificate of admeasurement shall be taken as the basis of such readmeasurement.

D. This readmeasurement, executed in accordance with paragraphs B and C of this article, shall be performed at a rate to be established for this purpose by the local authorities.

ARTICLE II.

The above provisions shall likewise be applicable to vessels propelled by any other mechanical motor.

This declaration shall take effect on the 20th day of July, / 1st day of August, 1884, and shall remain in force until one of the contracting parties shall have made known to the other, six months in advance, its intention to cause its effects to cease.

In testimony whereof the undersigned have affixed their signatures to this declaration, together with the seals of their arms.

Done in duplicate at Washington, this 25th day of May, / 6th day of June, 1884.

[SEAL.] FRED'K T. FRELINGHUYSEN.
[SEAL.] C. STRUVE.

1887.

EXTRADITION CONVENTION.[a]

Concluded March 28, 1887; ratification advised by the Senate with amendments February 6, 1893; ratified by the President February 14, 1893; ratifications exchanged April 21, 1893; proclaimed June 5, 1893.

ARTICLES.

I. Surrender of accused; evidence.
II. Extraditable crimes.
III. Political offenses.
IV. Nondelivery of citizens.
V. Persons under trial.
VI. Procedure.
VII. Provisional detention.
VIII. Articles taken with fugitives.
IX. Persons claimed by a third country.
X. Expenses.
XI. Duration; ratification.

The United States of America and His Majesty the Emperor of all the Russias having thought proper, with a view to the better administration of justice, and for the prevention of crime in their respective territories and jurisdictions, that persons convicted of, or charged with, any of the crimes hereinafter enumerated, and having escaped from justice, should, in certain cases, be reciprocally delivered up, have resolved to conclude a Convention to this end, and have named as their Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States; and His Majesty the Emperor of all the Russias, Charles Struve, His Master of the Court, Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America, and Baron Romain Rosen, His Gentleman in Waiting, Councillor of State, and Consul-General at New York; who, having communicated to each other their full

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[a] Tucker *v.* Alexandroff, 183 U. S., 424; Grin *v.* Shine, 187 U. S., 181; in re Grin, 12 Fed. Rep., 790.

powers found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties reciprocally agree to surrender to each other, upon mutual requisitions and according to their respective regulations and procedure, persons who, being charged with, or convicted of, the commission, in the territory of one of the contracting parties, of any of the crimes and offenses specified in the following article, shall seek an asylum or be found within the territory of the other: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II.

Persons convicted of, or charged with, any of the following crimes, as well as attempts to commit, or participation in, the same, as an accessory before the fact, provided such attempt or participation is punishable by the laws of both countries, shall be delivered up in virtue of the provisions of this Convention:

1. Murder and manslaughter, when voluntary.
2. Rape, abortion.
3. Arson.
4. Burglary, defined to be the act of breaking, and entering by night, into the dwelling-house of another, with intent to commit felony; robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; larceny, when the value of the property stolen shall exceed two hundred dollars, or three hundred roubles.
5. Forgery; and the utterance of forged papers, including public, sovereign, or governmental acts.
6. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank notes, obligations, or, in general, of any counterfeit title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of state and public administrations, and the utterance thereof.
7. The embezzlement of public moneys by public officers or depositaries.
8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the value of the property so taken shall exceed two hundred dollars, or three hundred roubles.
9. Piracy, or mutiny on shipboard, whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.
10. Wilful or unlawful destruction or obstruction of railroads which endangers human life.

ARTICLE III.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person sur-

rendered be tried or punished for any political offense committed previously to his extradition, nor for any offense other than that for which the extradition was granted; nor shall the surrender of any person be demanded for an offense committed prior to the date at which this Convention shall take effect.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessoriship thereto, shall not be considered a political offense or an act connected with such an offense.

ARTICLE IV.

The contracting parties shall not be required to deliver up their own citizens or subjects, in virtue of the stipulations of the present Convention.

ARTICLE V.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: Provided, that, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

ARTICLE VI.

Requisitions for the surrender of fugitives from justice, accused or convicted of any of the crimes or offenses hereinbefore mentioned, shall be made by the diplomatic agent of the demanding Government. In case of the absence of such agents either from the country or from the seat of Government, such requisitions may be made by the superior consular officer.

When the person whose surrender is requested shall already have been convicted of the crime or offense for which his extradition is demanded, the demand therefor shall be accompanied by a copy of the judgment of the court that pronounced the sentence, bearing the seal of said court. The signature of the judge thereof shall be authenticated by the proper executive officer of the demanding Government, whose official character shall, in turn, be attested by the diplomatic agent or superior consular officer of the Government on which the demand is made.

When the person whose surrender is asked shall be merely charged with the commission of an extraditable crime or offense, the application for extradition shall be accompanied by an authenticated copy of the warrant of arrest or of some other equivalent judicial document issued by a judge or a magistrate duly authorized to do so; and likewise by authenticated copies of the depositions or declarations made before such judge or magistrate and setting forth the acts with which the fugitive is charged.

ARTICLE VII.

It shall be lawful for any competent judicial authority of the United States, upon production of a certificate issued by the Secretary of State, stating that request has been made by the Imperial Government of Rusia for the provisional arrest of a person convicted

or accused of the commission therein of a crime or offense extraditable under this Convention, and upon complaint, duly made, that such crime or offense has been so committed, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Imperial Russian Government will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure the provisional arrest of persons convicted or accused of the commission therein of crimes or offenses extraditable under this convention. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer within forty days from the date of the arrest of the fugitive, the prisoner shall be discharged from custody.

Article VIII.

Articles in the possession of the fugitive that have aided the commission of the crime or offense, and any article or property which was obtained through the commission of the crime or offense charged, and, also, any other article that may serve to convict, shall, if the demand for extradition be granted, be delivered to the authorities of the demanding Government, even where, owing to the death or escape of the fugitive, extradition can not take place. Such delivery shall also include articles of the character above-mentioned which the fugitive may have concealed or deposited in the country of refuge, and which may subsequently be found there. The rights of third parties to the above-mentioned articles shall, nevertheless, be duly respected, and they shall be returned to the owners free of expense after the conclusion of the case.

The right of the Government on which the demand for extradition is made to temporarily retain such articles, when they may be necessary for the institution of criminal proceedings occasioned by the same act that has given rise to the demand for extradition, or by any other act, is admitted.

Article IX.

In case the person whose extradition is demanded under the present Convention is also claimed by another Government, preference shall be given to the Government whose demand shall be earliest in point of time: Provided the Government from which extradition is sought is not bound by treaty to give preference otherwise.

Article X.

The expense occasioned by the arrest, dentention, and transportation of persons whose extradition is requested shall be borne by the Government making the application.

ARTICLE XI.

The present Convention shall be ratified and the ratifications shall be exchanged at St. Petersburg as soon as possible.

It shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws in force in the territories of the contracting parties. It shall remain in force for six months after notice of its termination shall have been given by either of the contracting parties.

In witness whereof, the respective Plenipotentiaries have signed the present convention and have thereunto affixed the seals of their arms.

Done in duplicate, at the city of Washington, on the twenty-eighth day of March, one thousand eight hundred and eighty-seven.

T. F. BAYARD [SEAL.]
C STRUVE [SEAL.]
ROSEN [SEAL.]

1894.*

AGREEMENT FOR A MODUS VIVENDI IN RELATION TO THE FUR-SEAL FISHERIES IN BEHRING SEA AND THE NORTH PACIFIC OCEAN.

Concluded May 4, 1894; ratification advised by the Senate May 9, 1894; proclaimed May 12, 1894.

PARAGRAPHS.

1. Sealing by United States citizens prohibited on Russian coasts.
2. Seizure of offending vessels.
3. Trials.
4. Limit of catch.
5. Retroactive force.
6. Termination at will.

For the purpose of avoiding difficulties and disputes in regard to the taking of fur-seal in the waters of Behring Sea and the North Pacific Ocean, and to aid in the preservation of seal life, the Government of the United States and the Imperial Government of Russia have entered into the following temporary agreement, with the understanding that it is not to create a precedent for the future, and that the contracting parties mutually reserve entire liberty to make choice hereafter of such measures as may be deemed best adapted for the protection of the fur-seal species, whether by means of prohibitive zones, or by the complete prohibition of pelagic sealing, or by appropriate regulation of seal-hunting in the high seas.

1. The Government of the United States will prohibit citizens of the United States, from hunting fur-seal within a zone of ten nautical miles along the Russian coasts of Behring Sea, and of the North Pacific Ocean, as well as within a zone of thirty nautical miles around the Komandorsky (Commander) Islands and Tulienew (Robben) Island, and will promptly use its best efforts to ensure the observance of this prohibition by citizens and vessels of the United States.

2. Vessels of the United States engaged in hunting fur-seal in the above-mentioned zones outside of the territorial waters of Russia

* See act of Congress, December 29, 1897. U. S. Stats. at Large, vol. 30, p. 236.

may be seized and detained by the naval or other duly commissioned officers of Russia; but they shall be handed over as soon as practicable to the naval or other commissioned officers of the United States or to the nearest authorities thereof. In case of impediment or difficulty in so doing, the commander of the Russian cruiser may confine his action to seizing the ship's papers of the offending vessels in order to deliver them to a naval or other commissioned officer of the United States, or to communicate them to the nearest authorities of the United States as soon as possible.

3. The Government of the United States agrees to cause to be tried by the ordinary courts, with all due guarantees of defense, such vessels of the United States as may be seized, or the ship's papers of which may be taken, as herein prescribed, by reason of their engaging in the hunting of fur-seal within the prohibited zones outside of the territorial waters of Russia aforesaid.

4. The imperial Russian Government will limit to 30,000 head the number of fur-seal to be taken during the year 1894, on the coasts of the Komandorsky (Commander) and Tulienew (Robben) Islands.

5. The present agreement shall have no retroactive force as regards the seizure of any seal-hunting vessel of the United States by the naval or other commissioned officers of Russia prior to the conclusion hereof.

6. The present agreement being intended to serve the purpose of a mere provisional expedient to meet existing circumstances, may be terminated at will by either party upon giving notice to the other.

In witness whereof, we, Walter Q. Gresham, Secretary of State of the United States, and Prince Gregoire Cantacuzene, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, have, on behalf of our respective Governments, signed and sealed this Agreement in duplicate, and in the English and French languages, in the City of Washington, this $\frac{4 \text{ May}}{22 \text{ April}}$ 1894.

WALTER Q. GRESHAM [SEAL]
PRINCE CANTACUZENE [SEAL]

1900.

CLAIMS PROTOCOL.

Signed August 26 (September 8) 1900.

The Government of the United States of America and the imperial Government of Russia, having agreed to invite Mr. Asser, a member of the council of state of the Netherlands, to act as arbitrator in connection with the claim of the schooners *James Hamilton Lewis*, *C. H. White*, *Kate and Anna*, their charterers, owners, officers, and crews, arising out of their detention or seizure by Russian cruisers on the charge of having been illegally engaged in fur-seal fishing, and the claim of the whaling bark *Cape Horn Pigeon*, her charterers, owners, officers, and crew, arising out of her detention or seizure by a Russian vessel, the undersigned chargé d'affaires of the United States of America, having been duly authorized thereto, has the honor to make hereby the following declaration in exchange with a similar declaration upon the part of the imperial Government of Russia.

The arbitrator shall take cognizance of the claims for indemnity which have been presented to the imperial Government of Russia by the Government of the United States on behalf of the parties in interest.

It is understood and agreed that this provision is to be construed as permitting the introduction on both sides into the testimony submitted to the arbitrator of any and all evidence which may have already been presented or appeared in the correspondence between the official representatives of the two high contracting powers, as well as all evidence relating to the questions in litigation.

The party claimant shall present to the arbitrator, within three months from the date of the exchange of the present note with an identical one of the imperial Government of Russia, a memorandum in support of its claim, and shall hand immediately a copy thereof to the party defendant.

Within three months from the date of the receipt of the said copy the party defendant shall present to the arbitrator a contramemorandum, of which it shall hand immediately a copy of the party claimant.

Within three months after the receipt of such contramemorandum the party claimant may, if it sees fit to do so, present to the arbitrator a new memorandum, of which it shall hand immediately a copy to the party defendant, and the latter may also, within three months from the receipt thereof, present to the arbitrator a new contramemorandum, of which it shall hand immediately a copy to the party claimant.

The arbitrator shall be authorized, at the request of either of the parties, to extend for a period of not longer than thirty days any of the intervals of time hereinabove provided for.

After the exchange of memoranda as herein aforesaid no communication, either written or verbal, shall be addressed to the arbitrator, unless he shall request from the parties, or either of them, supplementary information to be given in writing.

The party so giving information to the arbitrator shall hand immediately a copy of its communication to the opponent, who may, if he thinks fit to do so, present in writing to the arbitrator, within one month from the date of his receipt thereof, comments relating to the subject-matter of the said communication, and a copy of such comments shall be sent immediately to the party opponent.

The arbitrator shall have authority to decide all questions that may arise in regard to procedure in the course of the arbitration.

The arbitrator shall render his decisions in all the cases within six months from the date of the delivery to him of the last memorandum or contramemorandum provided for in this agreement.

In his decision, which shall be communicated by him to each of the two governments interested, the arbitrator, following the general principles of international law and the spirit of international agreements applicable to the subject, shall determine as to each claim brought against the imperial Government of Russia whether such claim is well founded; and, if he decides affirmatively, whether the facts upon which each of the said claims is based have been proven.

It is understood and agreed that this stipulation shall have no retroactive force, and that the arbitrator shall apply to the cases now in litigation the principles of international law and of international

agreements which were in force and binding upon the parties to this litigation at the moment when the seizures aforementioned took place.

The arbitrator shall fix the amount of any indemnity to be paid by the Russian Government in respect to the claims presented by the parties in interest.

If he wishes to do so without, however, lessening the obligation incumbent upon the party claimant to prove the damage suffered, the arbitrator may invite each Government to appoint a commercial expert to aid him in this capacity in fixing the amount of the indemnity.

The Government of the United States declares itself ready, in exchange with a similar agreement upon the part of the imperial Government of Russia, to assume all expenses which may or shall be incurred in the presentation of its side of the case in this matter and to pay one-half of the compensation of the arbitrator for his services; also to accept as a final judgment the decision pronounced by the arbitrator within the limits of the present agreement and to submit thereto without any reservation whatsoever.

Any amount awarded by the arbitrator in favor of the claimants, or either of them, shall be paid by the imperial Government of Russia to the Government of the United States within one year from the date of the award.

French being recognized as the official language of the arbitration, the decision of the arbitrator should be rendered in that language.

Done at St. Petersburg, August 26 (September 8), 1900, in four copies.

HERBERT H. D. PEIRCE.
LAMSDORFF.

On November 29, 1902, the arbitrator, Mr. T. M. C. Asser, rendered his award, awarding, $38,650, with interest at 6 per cent from the 9th of September, 1892, until payment, in favor of the party claimant on account of the claims presented by the parties in interest in the case of the Cape Horn Pigeon; $28,588, with interest at 6 per cent per annum from the 1st of January, 1892, until payment, in favor of the party claimant on account of claims presented by the parties in interest in the case of the James Hamilton Lewis; $32,444, with interest at 6 per cent from January 1, 1893, until payment, in favor of the party claimant on account of the claims presented by the parties in interest in the case of the C. H. White; and $1,488, with interest at 6 per cent per annum from the 12th August, 1892, until payment, in favor of the party claimant on account of the claims presented by the parties in interest in the affair of the Kate and Anna.

1904.

AGREEMENT REGULATING THE POSITION OF CORPORATIONS AND OTHER COMMERCIAL ASSOCIATIONS.

Signed at St. Petersburg, June 25/12, 1904; ratification advised by the Senate, May 6, 1909; ratified by the President, June 7, 1909; proclaimed, June 15, 1909.

[Translation.]

AGREEMENT.

The Government of the United States and the Imperial Russian Government having judged that it would be mutually useful to regu-

late the position of Corporations or Stock Companies and other Commercial Associations, industrial or financial, the undersigned, by virtue of the authority which has been vested in them, have agreed as follows:

1. Corporations or Stock Companies, and other industrial or financial commercial organizations, domiciled in one of the two countries, and on the condition that they have been regularly organized in conformity to the laws in force in that country, shall be recognized as having a legal existence in the other country, and shall have therein especially the right to appear before the courts, whether for the purpose of bringing an action or of defending themselves against one.

2. In all cases the said Corporations and Companies shall enjoy in the other country the same rights which are or may be granted to similar companies of other countries.

3. It is understood that the foregoing stipulation or agreement has no bearing upon the question whether a Society or Corporation organized in one of the two countries will or will not be permitted to transact its business or industry in the other, this permission remaining always subject to the regulations in this respect existing in the latter country.

This Agreement shall go into force on the 25/12 of June 1904, and shall only be discontinued one year after its denunciation shall have been made by one of the parties to the agreement.

Made in duplicate at St. Petersburg, the 25/12 day of June 1904.

COUNT LAMSDORFF. [SEAL]

ROBERT S. MCCORMICK. [SEAL]

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES, *May 6, 1909.*

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of an Agreement (Ex. D, 58th, 3d) between the United States and Russia to regulate the position of corporations or stock companies and other commercial associations; signed at St. Petersburg on June 25, 1904.

Resolved, That the Senate advises and consents to the ratification of the said agreement with the understanding that the regulations referred to in the third paragraph in the agreement as existing in the several countries refer to and include on the part of the United States the regulations established by and under the authority of the several States of the Union.

1906.

PROTECTION OF TRADE-MARKS IN CHINA.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES JUNE 28, 1906.

Mr. Rockhill to Mr. Pokotilow.

PEKING, *June 28, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: The Government of the United States being desirous of reaching an understanding with the

Government of Russia for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade-marks duly registered in the United States and Russia, I am authorized by the Secretary of State of the United States to inform you that the American consular courts in China afford protection against infringement in China by American citizens of trade-marks the property of Russian subjects which have been duly registered in the United States.

I beg that you will kindly inform me whether like protection will be given to American citizens in the consular courts of Russia in China against the infringement by Russian subjects of their trade-marks duly registered in Russia.

I have the honor to be, my dear colleague, your obedient servant,

W. W. ROCKHILL.

His Excellency D. POKOTILOW,
Envoy Extraordinary and Minister Plenipotentiary, etc.,
Russian Legation, Peking.

[Translation.]

Mr. Pokotilow to Mr. Rockhill.

PEKING, *June 28, 1906.*

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your note of to-day's date by which you kindly inform me that the Government of the United States being desirous of reaching an understanding with the Imperial Government of Russia concerning the protection in China of trade-marks duly registered in Russia and the United States, you have been authorized to declare that the American consular courts in China have jurisdiction in all matters concerning the infringement by persons subject to the jurisdiction of the United States of trade-marks the property of Russian subjects which have been duly registered in the United States.

Being duly authorized by my Government, I have the honor to inform you that the Imperial Government is equally ready to insure in China through the Russian consular courts protection for trade-marks the property of persons subject to the jurisdiction of the United States and duly registered in Russia which may be infringed by Russian subjects. I deem it necessary, however, to observe that infringements of trade-marks not being considered by the American statutes a criminal offense persons subject to the jurisdiction of the United States having suffered injury can, through reasons of reciprocity, only claim before the Russian courts indemnification for the damages sustained by them.

Please accept, Mr. Minister and dear Colleague, the assurance of my highest consideration.

D. POKOTILOW.

His Excellency W. W. ROCKHILL,
Envoy Extraordinary and Minister Plenipotentiary, etc.,
American Legation, Peking.

SALVADOR.

(FORMERLY SAN SALVADOR.)

1850.[a]

Convention of Amity, Navigation, and Commerce.

Concluded January 2, 1850; ratification advised by the Senate September 24, 1850; ratified by the President November 14, 1850; time for exchange of ratifications extended by the Senate September 27, 1850; ratifications exchanged June 2, 1852; exchange of ratifications consented to by the Senate April 4, 1853; proclaimed April 18, 1853.

Articles.

I. Amity.
II. Most favored nation.
III. Reciprocal privileges in business.
IV. Discrimination on account of nationality of vessel.
V. Discrimination on account of nationality of imports.
VI. Three preceding articles applicable to voyages from any port.
VII. Transaction of business.
VIII. Embargoes.
IX. Asylum for vessels.
X. Property recaptured from pirates.
XI. Shipwrecks.
XII. Disposition of property.
XIII. Protection of persons and property.
XIV. Religious freedom.
XV. Commerce in war.
XVI. Enemy's ships, enemy's goods.
XVII. Contraband.
XVIII. Siege and blockade.
XIX. Proceeding in contraband.
XX. Blockades.
XXI. Search.
XXII. Sea letters.
XXIII. Vessels under convoy.
XXIV. Prize courts.
XXV. Hostilities.
XXVI. Letters of marque.
XXVII. Time allowed merchants in war.
XXVIII. Confiscation of debts, etc.
XXIX. Diplomatic officers.
XXX. Consuls.
XXXI. Exequaturs.
XXXII. Exemption of consuls.
XXXIII. Deserters.
XXXIV. Consular convention.
XXXV. Duration.
XXXVI. Ratification.

The United States of North America and the Republic of San Salvador, desiring to make lasting and firm the friendship and good understanding which happily exists between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a treaty or general convention of peace and friendship, commerce, and navigation.

For this desirable object the President of the United States of America has conferred full powers upon E. G. Squier, a citizen of the said States, and their Chargé d'Affaires to Guatemala; and the

[a] This treaty was superseded by the treaty of December 6, 1870.

President of the Republic of San Salvador has conferred similar and equal powers upon Señor Licenciado Don Augustin Morales, who, after having exchanged their said full powers in due form, have agreed to the following articles:

ARTICLE I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of San Salvador, in all the extent of their possessions and territories, and between their citizens respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of San Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations in respect of commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands, and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with the native citizen, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions in navigation, commerce, and manufactures, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be, from time to time, lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of San Salvador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner that, whatever kind of produce, manufactures, or merchandise of any foreign country can be, from time to time, lawfully imported into the Republic of San Salvador in its own vessels, may be also imported in

vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other. And they further agree that whatever may be lawfully exported or re-exported from one country in its own vessels to any foreign country may in like manner be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of San Salvador.

ARTICLE V.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of San Salvador, and no higher or other duties shall be imposed on the importation into the Republic of San Salvador of any articles the produce or manufactures of the United States, than are or shall be payable on the like articles being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States or to the Republic of San Salvador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of San Salvador, to or from the territories of the United States, or to or from the territories of the Republic of San Salvador, which shall not equally extend to all other nations.

ARTICLE VI.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States and their cargoes arriving in the ports of San Salvador, and reciprocally to the vessels of the said Republic of San Salvador and their cargoes arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the ports of either country on said vessels or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated

as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

ARTICLE X.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals, it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective Governments.

ARTICLE XI.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandise and effects without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or ab

intestato; and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

Article XIII.

Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country, for which purpose they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native citizen.

Article XIV.

The citizens of the United States residing in the territories of the Republic of San Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed in the proper exercise of their religion, in private houses, or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship, and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of San Salvador, in convenient and adequate places, to be appointed and established for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account.

In like manner the citizens of San Salvador shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeably to the laws, usuages, and customs of the United States.

Article XV.

It shall be lawful for the citizens of the United States of America and of the Republic of San Salvador to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned,

and to trade with the same liberty and security from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one Power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading, or any part thereof, should appertain to the enemies of either, (contraband goods being always excepted.)

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect; that altho' they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers, and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle, and not of others.

Article XVI.

It is likewise agreed that, in the case where the neutral flag of one of the contracting parties shall protect the property of one of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ships shall be free.

Article XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended—

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, hand-grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for the military use.

3d. Cavalry belts and horses, with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other material manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE XVIII.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are at that time besieged or blockaded; and, to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XIX.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessels will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk they cannot be received on board the capturing ship without great inconvenience; but in this and all other cases of just detention the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment, according to law.

ARTICLE XX.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged or blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part or her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on

the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat, with two or three men, only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible, with their persons and property; for which purpose the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE XXII.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one [of] the parties. They have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE XXIII.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE XXIV.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel, or goods, or

property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel, without any delay, he paying the legal fees for the same.

ARTICLE XXV.

For the purpose of lessening the evils of war, the two high contracting parties further agree that in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

ARTICLE XXVI.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or co-operating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ARTICLE XXVII.

If by any fatality which cannot be expected, and God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever they please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations who may be established in the territories or dominions of the United States or of San Salvador shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVIII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares nor money which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXIX.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy; it being

understood that whatever favors, immunities, or privileges the United States of America or the Republic of San Salvador may find it proper to give to the Ministers and public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXX.

To make more effectual the protection which the United States and the Republic of San Salvador shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and to admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favored nation; each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such Consuls may not seem convenient.

ARTICLE XXXI.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

ARTICLE XXXII.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all public service, and also from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

ARTICLE XXXIII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand in writing the said deserters, proving by an exhibition of the registers of the vessels or ship's roll or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved by other testimonies,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of the said

Consuls, and may be put in the public prisons at the request and expense of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation; but if they be not sent back within two months, to be counted from the day of arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article XXXIV.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree to form, as soon hereafter as circumstances will permit, a consular convention, which shall declare specially the powers respective and immunities of the Consuls and Vice-Consuls of the parties.

Article XXXV.

The United States of North America and the Republic of San Salvador, desiring to make as durable as possible the relations which are to be established by virtue of this treaty, have declared solemnly and do agree to the following points:

1st. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and if neither party notifies the other of its intention of reforming any or all the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years until twelve months from the time that one of the parties notifies the other of its intention of proceeding to a reform.

2d. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby; each party engaging in no way to protect the offender, or sanction such violation.

3d. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts or reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

Article XXXVI.

The present treaty of peace, amity, commerce, and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of San Salvador, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Washington or San Salvador, within eight months from the date of the signature thereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of San Salvador, have signed and sealed these presents, in the city of Leon, on the second day of January, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fourth.

[SEAL.] E. GEO. SQUIER.
[SEAL.] AUGUSTIN MORALES.

1870.[a]

EXTRADITION CONVENTION.

Concluded May 23, 1870; ratification advised by the Senate December 9, 1870; ratified by the President December 16, 1870; time for exchange of ratifications extended by convention of May 12, 1873; ratifications exchanged March 2, 1874; proclaimed March 4, 1874.

ARTICLES.

I. Surrender of accused.
II. Extraditable crimes.
III. Political offenses.
IV. Persons under trial.
V. Nondelivery of citizens.
VI. Procedure.
VII. Expenses.
VIII. Duration; ratification.

The United States of America and the Republic of Salvador, having judged it expedient, with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: the President of the United States, Alfred T. A. Torbert, Minister Resident to Salvador: the President of the Republic of Salvador, Señor Doctor Don Gregorio Arbizú, Minister of Foreign Affairs, who after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE 1st

The Government of the United States and the Government of Salvador, mutually agree to deliver up persons who, having been convicted of or charged with the crimes specified in the following article, committed within the jurisdiction of one of the Contracting Parties, shall seek an asylum or be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

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[a] This convention was denounced on notice given by Salvador, to take effect March 2, 1904.

Federal case: In re Ezeta, 62 Fed. Rep., 964.

ARTICLE 2nd.

Persons shall be delivered up who shall have been convicted of, or be charged according to the provisions of this Convention, with any of the following crimes:

1. Murder, comprehending the crimes designated in the Penal Codes of the Contracting Parties by the terms homicide, parricide, assassination, poisoning, and infanticide.

2° The attempt to commit murder.

3° The crimes of rape, arson, piracy, and mutiny on board a ship, whenever the crew, or part thereof, by fraud or violence against the Commander, have taken possession of the vessel.

4° The crime of burglary, defined to be the action of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the action of feloniously and forcibly taking from the person of another goods or money, by violence, or putting him in fear.

5° The crime of forgery, by which is understood the utterance of forged papers, the counterfeiting of public, sovereign, or government acts.

6° The fabrication or circulation of counterfeit money, either coin or paper, of public bonds, banknotes, and obligations, and in general of all things being titles on instruments of credit, the counterfeiting of seals, dies, stamps, and marks of state and public administration, and the utterance thereof.

7° The embezzlement of public moneys committed within the jurisdiction of either party, by public officers or depositors.

8° Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE 3rd.

The provisions of this Treaty shall not apply to any crime or offence of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

ARTICLE 4th.

If the person whose surrender may be claimed, pursuant to the stipulations of the present Treaty, shall have been arrested for the commission of offences in the country where he has sought an asylum, shall have been convicted therefor, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

ARTICLE 5th.

In no case and for no motive shall the High Contracting Parties be obliged to deliver up their own subjects. If in conformity with the laws in force in the State to which the accused belongs, he ought to be submitted to criminal procedure for crimes committed in the other State, the latter must communicate the information and documents,

send the implements or tools which were employed to perpetrate the crime, and procure every other explanation or evidence necessary to prosecute the case.

ARTICLE 6th.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or in the event of the absence of these from the country, or its seat of Government, they may be made by Superior Consular Officers. If the person whose extradition may be asked for shall have been convicted of a crime, a copy of the sentence of the court in which he may have been convicted, authenticated under its seal, and an attestation of the official caracter of the Judge by the proper executive authority, and of the latter by the Minister or Consul of the United States or of Salvador, respectively, shall accompany the requisition. When however, the fugitive shall have been merely charged with crime, a duly-authenticated copy of the warrant for his arrest in the country where the crime may have been committed, or the depositions upon which such warrant may have been issued, must accompany the requisition aforesaid. The President of the United States, or the President of Salvador, may then issue a warrant for the apprehention of the fugitive, in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to law and the evidence, the extradition is due pursuant to the Treaty, the fugitive may be given up according to the forms prescribed in such cases.

ARTICLE 7th.

The expenses of the arrest, detention, and transportation of the persons claimed, shall be paid by the Government in whose name the requisition shall have been made.

ARTICLE 8th.

This Convention shall continue in force during (10) ten years from the day of exchange of ratifications, but if neither Party shall have given to the other (6) six months previous notice of its intention to terminate the same, the Convention shall remain in force ten years longer, and so on.

The present Convention shall be ratified, and the ratifications exchanged at the City of Washington within (12) twelve months and sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, and have thereunto affixed their seals.

Done at the City of San Salvador the twenty third day of May A. D. one thousand eight hundred and seventy and of the Independence of the United States the ninety fourth.

[SEAL.] ALFRED T. A. TORBERT.
[SEAL.] GREGº. ARBIZÚ.

1870.[a]

Treaty of Amity, Commerce, and Consular Privileges.

Concluded December 6, 1870; ratification advised by the Senate March 31, 1871; ratified by the President April 11, 1871; time for exchange of ratifications extended by convention of May 12, 1873; ratifications exchanged March 11, 1874; proclaimed March 13, 1874.

Articles.

I. Amity.
II. Most favored nation.
III. Reciprocal privileges in business.
IV. Discrimination on account of nationality of vessel.
V. Discrimination on account of nationality of imports.
VI. Three preceding articles applicable to voyages from any port.
VII. Transaction of business.
VIII. Embargoes.
IX. Asylum for vessels.
X. Property recaptured from pirates.
XI. Shipwrecks.
XII. Disposition of property.
XIII. Protection of persons and property.
XIV. Religious freedom.
XV. Commerce in war.
XVI. Enemy's ships, enemy's goods.
XVII. Contraband.
XVIII. Siege and blockade.
XIX. Proceedings in contraband.
XX. Blockades.
XXI. Search.
XXII. Sea letters.
XXIII. Vessels under convoy.
XXIV. Prize courts.
XXV. Hostilities.
XXVI. Letters of marque.
XXVII. Time allowed merchants in war.
XXVIII. Disposition of property.
XXIX. Privileges of citizens.
XXX. Diplomatic officers.
XXXI. Consuls.
XXXII. Exequaturs.
XXXIII. Powers of consuls.
XXXIV. Consuls of either nation to and citizens of other.
XXXV. Consular prerogatives.
XXXVI. Passports.
XXXVII. Duration.
XXXVIII. Abrogation treaty 1850.
XXXIX. Ratification.

The United States of America and the Republic of Salvador, desiring to make lasting and firm friendship and good understanding which happily exist between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall in future be religiously observed between each other, by means of a treaty or general convention of peace and friendship, commerce and consular privileges.

For this desirable object the President of the United States of America has conferred full powers upon General Alfred T. A. Torbert, Minister Resident; and the President of the Republic of Salvador has conferred similar and equal powers upon Doctor Don Gregorio Arbizú, Minister of Foreign Relations; who, after having exchanged their said full powers in due form, have agreed to the following articles:

Article 1st.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic of Salvador, in all the extent of their possessions and territories, and

[a] On notice given by Salvador this treaty was abrogated May 30, 1893.

between their citizens, respectively, without distinction of persons and places.

ARTICLE 2ND.

The United States of America and the Republic of Salvador, desiring to live in peace and harmony with all the nations of the earth, by means of a policy frank and equally friendly with all, engage mutually not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely if the concession was freely made or on allowing the same compensation if the concession was conditional.

ARTICLE 3RD.

The two high contracting parties, being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside therein, and shall have the power to purchase and hold lands, and all kinds of real estate, and to engage in all kinds of trade, manufactures, and mining, upon the same terms with the native citizens, and shall enjoy all the privileges and concessions in these matters which are or may be made to the citizens of any country, and shall enjoy all the rights, privileges, and exemptions in navigation, commerce, and manufactures, which native citizens do or shall enjoy, submitting themselves to the laws, decrees, or usages there established to which native citizens are subjected. But it is understood that this article does not include the coasting-trade of either country, the regulation of which is reserved by the parties respectively, according to their own separate laws.

ARTICLE 4TH.

They likewise agree that whatever kind of produce, manufacture, or merchandise of any foreign country can be from time to time lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Salvador; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in vessels of the one country or of the other; and in like manner that whatever kind of produce, manufactures, or merchandise of any foreign country can be from time to time lawfully imported into the Republic of Salvador in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or the other. And they further agree that whatever may be lawfully exported or re-exported from one country in its own vessels to any foreign country may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Salvador.

ARTICLE 5TH.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Salvador; and no higher or other duties shall be imposed on the importation into the Republic of Salvador of any articles the produce or manufactures of the United States than are, or shall be, payable on the like articles, being the produce or manufactures of any foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to the United States, or to the Republic of Salvador, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States, or of the Republic of Salvador, to or from the territories of the United States, or to or from the territories of the Republic of Salvador, which shall not equally extend to all other nations.

ARTICLE 6TH.

In order to prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the three preceding articles are, to their full extent, applicable to the vessels of the United States, and their cargoes, arriving in the ports of Salvador, and reciprocally to the vessels of the said Republic of Salvador, and their cargoes, arriving in the ports of the United States, whether they proceed from the ports of the country to which they respectively belong or from the ports of any other foreign country; and, in either case, no discriminating duty shall be imposed or collected in the posts of either country on said vessels, or their cargoes, whether the same shall be of native or foreign produce or manufacture.

ARTICLE 7TH.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage, by themselves or agents, their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignments and sale of their goods and merchandise, by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or at least to be placed on an equality with the subjects or citizens of the most favored nation.

ARTICLE 8TH.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandise, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.

ARTICLE 9TH.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or war, public or private, through stress of weather, pursuit of pirates or enemies, or want of provisions or water, they shall be received and treated with humanity, giving to them all favor and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage without obstacle or hindrance of any kind.

ARTICLE 10TH.

All the ships, merchandise, and effects belonging to the citizens of one of the contracting parties which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving in due and proper form their rights before the competent tribunals; it being well understood that the claim shall be made within the term of one year by the parties themselves, their attorneys, or agents of their respective governments.

ARTICLE 11TH.

When any vessels belonging to the citizens of either of the contracting parties shall be wrecked or foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection, in the same manner which is usual and customary with the vessels of the nation where the damage happens; permitting them to unload the said vessel, if necessary, of its merchandise and effects, without exacting for it any duty, impost, or contribution whatever, unless they may be destined for consumption or sale in the country of the port where they may have been disembarked.

ARTICLE 12TH.

The citizens of each of the contracting parties shall have power to dispose of their personal goods or real estate within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their representatives, being citizens of the other party, shall succeed to their said personal goods or real estate, whether by testament or ab intestato; and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein said goods are shall be subject to pay in like cases.

ARTICLE 13TH.

Both contracting parties promise and engage formally to give their special protection for the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, leaving

open and free to them the tribunals of justice for their judicial recourse, on the same terms which are usual and customary with the natives or citizens of the country; for which purpose they may either appear in proper person, or employ in the prosecution or defence of their rights such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions or sentences of the tribunals in all cases which may concern them, and shall enjoy in such cases all the rights and privileges accorded to the native citizen.

ARTICLE 14TH.

The citizens of the United States residing in the territories of the Republic of Salvador shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, provided that in so doing they observe the decorum due to divine worship and the respect due to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Salvador, in convenient and adequate places to be appointed and established for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulchres of the dead be disturbed in any wise nor upon any account. In like manner, the citizens of Salvador shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience, and of exercising their religion, publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeably to the laws, usages, and customs of the United States.

ARTICLE 15TH.

It shall be lawful for the citizens of the United States of America and of the Republic of Salvador to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are or shall be at enmity with either of the contracting parties. It shall likewise be lawful for the citizens aforesaid to sail with the ships and merchandise before mentioned, and to trade with the same liberty and security from the places, ports, and havens of those who are the enemies of both or either party, without any opposition or disturbance whatsoever, not only from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy,[a] whether they be under the jurisdiction of one power or under several. And it is hereby stipulated that free ships shall also give freedom to goods, and that everything which

[a] In the Spanish text the words "á otro lugar perteneciente á un enemigo," (to another place belonging to an enemy) follow the words "un enemigo" (an enemy) in the Spanish text. The absence from the English text of these words, being in translation "to another place belonging to an enemy," appears to be a clerical omission.

shall be found on board the ships belonging to the citizens of either of the contracting parties shall be deemed to be free and exempt, although the whole lading, or any part thereof, should appertain to the enemies of either (contraband goods being always excepted.)

It is also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect: that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers and soldiers and in the actual service of the enemies; provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shall cover the property, shall be understood as applying to those powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other remains neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

ARTICLE 16TH.

It is likewise agreed that in the case where the neutral flag of one of the contracting parties shall protect the property of one of the enemies of the other by virtue of the above stipulation, it shall always be understood that the neutral property found on board such enemy's vessels shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards if it were done without the knowledge of it; but the contracting parties agree that, two months having elapsed after the declaration of war, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case the goods and merchandise of the neutral embarked on such enemy's ships shall be free.

ARTICLE 17TH.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, hand-grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breast-plates, coats of mail, infantry-belts, and clothes made up in the form and for the military use.

3d. Cavalry belts and horses, with their furniture.

4th. And generally all kinds of arms, and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

5th. Provisions that are imported into a besieged or blockaded place.

ARTICLE 18TH.

All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be

held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by the citizens of both the contracting parties, even to places belonging to an enemy, excepting those places only which are, at that time, besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE 19TH.

The articles of contraband before enumerated and classified which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great and of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE 20TH.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged or blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel that may have entered into such port before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting that place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE 21ST.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a national vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, unless in stress of weather, and may send its boat, with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo, without causing the least extortion, violence, or ill-treatment, for which the commanders of said armed ships shall be responsible with their persons and property; for which purpose

the commanders of private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damage they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting her papers, or for any other purpose whatever.

ARTICLE 22ND.

To avoid all kinds of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do hereby agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters or passports expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master and commander of the said vessel, in order that it may thereby appear that the ship really and truly belongs to the citizens of one of the parties. They have likewise agreed that when such ships have a cargo, they shall also be provided, besides the said sea-letters or passports, with certificates containing the several particulars of the cargo and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods are on board the same, which certificates shall be made out by the officers of the place whence the ship sailed, in the accustomed form; without which requisites said vessel may be detained to be adjudged by the competent tribunal, and may be declared lawful prize, unless the said defect shall be proved to be owing to accident, and shall be satisfied or supplied by testimony entirely equivalent.

ARTICLE 23RD.

It is further agreed that the stipulations above expressed, relative to the visiting and examination of vessels, shall apply only to those which sail without convoy; and when said vessels shall be under convoy, the verbal declaration of the commander of the convoy, on his word of honor, that the vessels under his protection belong to the nation whose flag he carries, and, when they may be bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

ARTICLE 24TH.

It is further agreed that in all cases the established courts of prize-causes in the country to which the prizes may be conducted shall alone take cognizance of them. And whenever such tribunals of either party shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives upon which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

ARTICLE 25TH.

For the purpose of lessening the evils of war, the two high contracting parties further agree that, in case a war should unfortunately take place between them, hostilities shall only be carried on by persons duly commissioned by the Government, and by those under their orders, except in repelling an attack or invasion, and in the defence of property.

ARTICLE 26TH.

Whenever one of the contracting parties shall be engaged in a war with another state, no citizens of the other contracting party shall accept a commission or letter of marque for the purpose of assisting or cooperating hostilely with the said enemy against the said parties so at war, under the pain of being treated as a pirate.

ARTICLE 27TH.

For the better security of commerce between the citizens of the United States and the citizens of Salvador, it is agreed that if, at any time, any interruption of friendly intercourse, or any rupture, should unfortunately take place between the two high contracting parties, the citizens of either, who may be within the territories of the other, shall, if residing on the coast, be allowed six months, and if in the interior, a whole year, to wind up their accounts and dispose of their property; and a safe-conduct shall be given to them to embark at any port they themselves may select. Even in case of rupture, all such citizens of either of the high contracting parties, who are established in any of the territories of the other in trade or other employment, shall have the privilege of remaining and of continuing such trade or employment, without any manner of interruption, in full enjoyment of liberty and prosperity, so long as they behave peacefully and commit no offence against the laws: and their goods and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the state, shall not be liable to seizure or sequestration, nor to any other charges or demands than those which may be made upon the like effects or property belonging to the native citizens of the country in which such citizens may reside. In the same case, debts between individuals, property in public funds, and shares of companies and property of whatever description, shall never be confiscated nor detained nor sequestered.

ARTICLE 28TH.

In whatever relates to the police of the ports, the lading and unlading of ships, the safety of merchandise, goods, and effects, the succession to personal estates by will or otherwise, and the disposal of personal property of every sort and denomination by sale, donation, exchange, testament, or other manner whatsoever, as also the administration of justice, the citizens of the two high contracting parties shall reciprocally enjoy the same privileges, liberties, and rights as native citizens; and they shall not be charged in any of these respects with any higher imposts or duties than those which are

or may be paid by native citizens, submitting, of course, to the local laws and regulations of each country respectively.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Republic of Salvador, in which foreigners shall be entitled to hold or inherit real estate; but in case real estate situated within the territories of one of the contracting parties should fall to a citzen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the state in which it may be situated, there shall be accorded to the said heir or other successor such time as the laws of the state will permit to sell such property. He shall be at liberty, at all times, to withdraw and export the proceeds thereof without difficulty, and without paying to the government any other charges than those which would be paid by an inhabitant of the country in which the real estate may be situated.

If any citizen of the two high contracting parties shall die without a will or testament in any of the territories of the other, the minister or consul of the nation to which the deceased belonged, (or the representative of such minister or consul, in case of absence,) shall have the right to nominate curators to take charge of the property of the deceased, so far as the laws of the country will permit, for the benefit of the lawful heirs and creditors of the deceased, giving proper notice of such nomination to the authorities of the country.

Article 29th.

1st. The citizens of the United States residing in Salvador, or the citizens of Salvador residing in the United States, may intermarry with the natives of the country, hold and possess, by purchase, marriage, or descent, any estate, real or personal, without thereby changing their national character, subject to the laws which now exist or may be enacted in this respect.

2nd. When the citizens of the United States residing in Salvador, or the citizens of Salvador residing in the United States, marry natives of the country according to the laws, such marriage shall be considered legal in the other country.

3rd. The citizens of the United States residents in the Republic of Salvador, and the citizens of Salvador residents in the United States, shall be exempted from all forced or compulsory military service whatsoever, by land or sea, from all contributions of war, military exactions, forced loans in time of war; but they shall be obliged, in the same manner as citizens of each nation, to pay lawful taxes, municipal and other modes of imposts and ordinary charges, loans, and contributions in time of peace, (as the citizens of the country are liable,) in just proportion to the property owned.

4th. Nor shall the property of either of any kind be taken for any public object without full and just compensation, to be paid in advance; and

5th. The citizens of the two high contracting parties shall have the unlimited right to go to any part of the territories of the other, and in all cases enjoy the same security as the natives of the country where they reside, with the condition that they duly observe the laws and ordinances.

ARTICLE 30TH.

Both the contracting parties, being desirious of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree to grant to the envoys, ministers, and other public agents, the same favors, immunities, and exemptions which those of the most favored nations do or shall enjoy; it being understood that whatever favors, immunities, or privileges the United States of America or the Republic of Salvador may find it proper to give to the ministers and public agents of any other power shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE 31ST.

Each of the two contracting republics may maintain in the principal cities or commercial places of the other, and in the ports open to foreign commerce, consuls of its own, charged with the protection of the commercial rights and interests of their nation, and to sustain their countrymen in the difficulties to which they may be exposed. They may likewise appoint consuls-general, as chiefs over the other consuls, or to attend to the affairs of several commercial places at the same time, and vice-consuls for ports of minor importance, or to act under the direction of the consuls. Each republic may, however, except those cities, places, or ports, in which it may consider the residence of such functionaries inconvenient, such exception being common to all nations. All that is said in this treaty of consuls in general shall be considered as relating not only to consuls, properly so-called, but to consuls-general and vice-consuls in all the cases to which this treaty refers.

ARTICLE 32ND.

The consuls appointed by one of the contracting parties to reside in the ports or places of the other shall present to the government of the republic in which they are to reside their letters-patent, or commission, in order that may receive the proper exequatur, if it be deemed expedient to give it, which shall be granted without any charge; and this exequatur, when obtained, is to be exhibited to the chief authorities of the place in which the consul is to exercise his functions, in order that they may cause him to be recognized in his character, and that he may be sustained in his proper prerogative in his respective consular district. The government receiving the consul may withdraw the exequatur, or his consular commission, whenever it may judge proper to do so, but in such case shall state a reasonable ground for the proceeding.

ARTICLE 33RD.

The consuls admitted in either republic may exercise in their respective districts the following functions:

1st. They may apply directly to the authorities of the district in which they reside, and they may, in case of necessity, have recourse to the national government through the diplomatic agent of their nation, if there be any, or directly if there be no such agent, in com-

plaint against any infraction of the treaties of commerce committed by the authorities or persons employed by them in the country, to the injury of the commerce of the nation in whose service the consul is engaged.

2nd. They may apply to the authorities of the consular district, and, in case of necessity, they may have recourse to the national government through the diplomatic agent of their nation, if there be any, or directly if there be no such agent, against any abuse on the part of the authorities of the country, or the persons employed by them, against individuals of their nation in whose service the consul is engaged; and they may, when necessary, take such measures as may be proper to prevent justice from being denied to them or delayed, and to prevent them from being judged or punished by any other than competent judges, and agreeably to the laws in force.

3rd. They may, as the natural defenders of their fellow-countrymen, appear in their name and behalf, whenever so requested by them, before the respective authorities of the place, in all cases in which their support may be necessary.

4th. They may accompany the captains, mates, or masters of vessels of their nation in all that they may have to do with regard to the manifests of their merchandise and other documents, and be present in all cases in which the authorities, courts, or judges of the country may have to take any declarations from the persons above mentioned, or any other belonging to their respective crews.

5th. They shall have the right, in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations which such captains, masters, crews, passengers, and merchants as are citizens of their country may respectively choose to make there; and also such as any foreigners may choose to make before them relative to the personal interests of any of their citizens; and the copies of said acts, duly authenticated by the said consuls under the seal of their consulates respectively, shall receive faith in law, as if they had been authenticated before the judges or courts of the respective countries.

6th. They may determine on all matters relating to injuries sustained at sea by effects and merchandise shipped in vessels of the nation in whose service the consul is employed arriving at the place of his residence, provided that there be no stipulations to the contrary between the shippers, owners, and insurers. But if among the persons interested in such losses and injuries, there should be inhabitants of the country where the consul resides, and not belonging to the nation in whose service he is, the cognizance of such losses and injuries appertains to the local authorities.

7th. They may compromise amicably, and out of court, the differences arising between their fellow countrymen, providing that those persons agree voluntarily to submit to such arbitration; in which case the document containing the decision of the consul, authenticated by himself and his chancellor or secretary, shall have all the force of a notarial copy authenticated, so as to render it obligatory on the interested parties.

8th. They may cause proper order to be maintained on board of vessels of their nation, and may decide on the disputes arising between the captains, the officers, and the members of the crew, unless the disorders taking place on board should disturb the public tran-

quillity, or persons not belonging to the crew or to the nation in whose service the consul is employed, in which case the local authorities may interfere.

9th. They may direct all the operations for saving vessels of their nation which may be wrecked on the coasts of the district where the consul resides. In such cases the local authorities shall interfere only in order to maintain tranquillity, to give security to the interests of the parties concerned, and to cause the dispositions which should be observed for the entry and export of the property to be fulfilled. In the absence of the consul, and until his arrival, the said authorities shall take all the measures necessary for the preservation of the effects of the wrecked vessel.

10th. They shall take possession of the personal or real estate left by any of their citizens who shall die within their consulate, leaving no legal representative or trustee by him appointed to take charge of his effects; they shall inventory the same with the assistance of two merchants, citizens of the respective countries or for want of them of any others whom the consuls may choose; shall cause a notice of the death to be published in some newspaper of the country where they reside; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have contracted; shall sell at auction, after reasonable public notice, such of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, but they shall pay no claims not reduced to a judgment for damages on account of any wrongful act alleged to have been done by the deceased. Whensoever there is no consul in the place where the death occurs, the local authority shall take all the precautions in their power to secure the property of the deceased, and immediately notify the nearest consul of the country to which the deceased belonged.

11th. They may demand from the local authorities the arrest of seamen deserting from the vessel of the nation in whose service the consul is employed, exhibiting, if necessary, the register of the vessel, her muster-roll, and any other official document in support of this demand. The said authorities shall take such measures as may be in their power for the discovery and arrest of such deserters, and shall place them at the disposition of the consul; but if the vessel to which they belong shall have sailed, and no opportunity for sending them away should occur, they shall be kept in arrest at the expense of the consul for two months; and if at the expiration of that time they should not have been sent away, they shall be set at liberty by the respective authorities, and cannot again be arrested for the same cause.

12th. They may give such documents as may be necessary for the intercourse between the two countries, and countersign those which may have been given by the authorities. They may also give bills of health, if necessary, to vessels sailing from the port where the consul resides to the port of the nation to which he belongs; they may also certify invoices, muster-rolls, and other papers necessary for the commerce and navigation of vessels.

13th. They may appoint a chancellor or secretary whensoever the consulate has none and one is required for authenticating documents.

14th. They may appoint commercial agents to employ all the means in their power in behalf of individuals of the nation in whose service

the consul is, and for executing the commissions which the consul may think proper to intrust to them out of the place of his residence, provided, however, that such agents are not to enjoy the prerogatives conceded to consuls, but only those which are peculiar to commercial agents.

ARTICLE 34TH.

The consuls of one of the contracting republics residing in another country may employ their good offices in favor of individuals of the other republic which has no consul in that country.

ARTICLE 35TH.

The contracting republics recognize no diplomatic character in consuls, for which reason they will not enjoy in either country the immunities granted to public agents accredited in that character; but in order that the said consuls may exercise their proper functions without difficulty or delay, they shall enjoy the following prerogatives:

1st. The consular offices and dwellings shall be at all times inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the archives or papers there deposited. In no case shall those offices or dwellings be used as places of asylums. When, however, a consular officer is engaged in business, the papers relating to the consulate shall be kept separate.

2nd. Consuls, in all that exclusively concerns the exercise of their functions, shall be independent of the state in whose territory they reside.

3rd. The consuls and their chancellors or secretaries shall be exempt from all public service and from contributions, personal and extraordinary, imposed in the country where they reside, and they shall be exempt from arrest, except in the case of offences which the local legislation qualifies as crimes and punishes as such. This exemption does not comprehend the consuls or their chancellors or secretaries who may be natives of the country in which they reside.

4th. No consular officer who is not a citizen of the country to which he is accredited shall be compelled to appear as a witness before the courts of the country where he resides. When the testimony of such consular officer is needed, it shall be asked in writing, or some one shall to go his house or take it viva voce. If, however, the testimony of a consular officer in either country should be necessary for the defence of a person charged with a crime and should not be voluntarily given, compulsory process requiring the presence of such consular officer as a witness may be issued.

5th. In order that the dwellings of consuls may be easily and generally known for the convenience of those who may have to resort to them, they shall be allowed to hoist on them the flag, and to place over their doors the coats of arms of the nation in whose service the consul may be, with an inscription expressing the functions discharged by him.

ARTICLE 36TH.

Consuls shall not give passports to any individual of their nation, or going to their nation, who may be held to answer before any authority, court, or judge of the country for delinquencies committed

by them, or for a demand which may have been legally acknowledged, provided that in each case proper notice thereof shall have been given to the consul.

ARTICLE 37TH.

The United States of America and the Republic of Salvador, desiring to make as durable as possible the relations which are to be established by virtue of this treaty, have declared solemnly, and do agree to the following points:

1st. This treaty is concluded for the term of ten years, dating from the exchange of the ratifications; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said treaty, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

2nd. If any one or more of the citizens of either party shall infringe any of the articles of this treaty, such citizens shall be held personally responsible for the same, and the harmony and good correspondence between the nations shall not be interrupted thereby, each party engaging in no way to protect the offender or sanction such violation.

3d. If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of national right.

ARTICLE 38TH.

The treaty between the United States of America and the Republic of Salvador of the second day of January, one thousand eight hundred and fifty, is hereby abrogated, and the stipulations of the preceding treaty are substituted therefor.

ARTICLE 39TH.

This treaty shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Washington, within the space of twelve months.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate, at the city of San Salvador, this sixth day of December, in the year of our Lord one thousand eight hundred and seventy.

[SEAL.] ALFRED T. A. TORBERT.
[SEAL.] GREGO. ARBIZÚ.

1873.

CONVENTION EXTENDING THE PERIOD FOR EXCHANGE OF RATIFICATIONS OF THE EXTRADITION CONVENTION OF MAY 23, 1870.

Concluded May 12, 1873; ratification advised by Senate February 9, 1874; ratified by President February 16, 1874; ratifications exchanged March 2, 1874; proclaimed March 4, 1874.

ARTICLES.

I. Extension. | II. Ratification.

The United States of America and the Republic of Salvador, desiring to extend the time fixed for the exchange of the ratifications of the treaty between the United States and that republic for the surrender of criminals, signed at San Salvador on the twenty third day of May, A. D. 1870, have resolved to conclude a convention for that purpose, and have invested with full powers, the President of the United States, Thomas Biddle, Minister Resident of the United States to Salvador, the President of the Republic of Salvador, Senor Doctor Don Dario Gonzalez, the Minister of the Interior and Public Instruction; who, after reciprocal communication of their said full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

The time fixed for the exchange of the ratifications of the aforesaid treaty between the United States and the Republic of Salvador for the surrender of criminals, signed at San Salvador on the twenty third of May, A. D. one thousand eight hundred and seventy, (1870) is hereby extended to a period not exceeding twelve (12) months from the date of this convention, or sooner if possible.

ARTICLE II.

The present convention to receive the ratification of the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Salvador, with the approval of the Congress of the same, and the ratifications to be exchanged within convenient time to facilitate the aforesaid extension.

In witness whereof the respective Plenipotentiaries have signed the present convention, in duplicate and have thereunto affixed their seals.

Done at San Salvador the 12th day of May, A. D. one thousand eight hundred and seventy three, and of the Independence of the United States the ninety-seventh.

THOS. BIDDLE. [SEAL.]
D. GONZALEZ. [SEAL.]

1873.

Extension Convention. (Amity and Commerce.)

Concluded May 12, 1873; ratification advised by the Senate March 2, 1874; ratifications exchanged March 11, 1874; proclaimed March 13, 1874.

Articles.

I. Extension. | II. Ratification.

The United States of America and the Republic of Salvador, desiring to extend the time fixed for the exchange of the ratifications of the treaty between the United States and that Republic, of amity, commerce, and consular privileges, signed at San Salvador on the sixth day of December, A. D. 1870, have resolved to conclude a convention for that purpose, and have invested with full powers, the President of the United States, Thomas Biddle, Minister Resident of the United States to Salvador, the President of the Republic of Salvador, Senor Doctor Don Dario Gonzalez, the Minister of the Interior and Public Instruction: Who, after reciprocal communication of their said full powers, found in good and due form, have agreed upon the following articles, to wit:

Article I.

The time fixed for the exchange of the ratifications of the aforesaid treaty between the United States and the Republic of Salvador, of amity, commerce, and consular privileges, signed at San Salvador on the sixth day of December, A. D. one thousand eight hundred and seventy, (1870), is hereby extended to a period not exceeding twelve (12) months from the date of this convention, or sooner if possible.

Article II.

The present convention to receive the ratification of the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Salvador, with the approval of the Congress of the same, and the ratifications to be exchanged within convenient time to facilitate the aforesaid extention.

In witness whereof the respective plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Done at San Salvador the 12th day of May, A. D. one thousand eight hundred and seventy-three, and of the Independence of the United States the ninety-seventh.

Thos. Biddle. [seal.]
D. Gonzalez [seal.]

1901.

Protocol for the Arbitration of Certain Claims Against Salvador.

Signed December 19, 1901.

Articles.

I. Reference to arbitrators.
II. Tribunal.
III. Copies of documents.
IV. Procedure.
V. Arguments.
VI. Damages.
VII. Payment in gold.
VIII. Compensation to arbitrators.
IX. Ratification.

Protocol of an Agreement between the Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador for submission to arbitration of the claims against the Republic of Salvador of the Salvador Commercial Company and other citizens of the United States, stockholders in the corporation styled "El Triunfo Company Limited" who have not acquired their stock from citizens of Salvador or others not citizens of the United States since the date of the filing of the Memorial of the Salvador Commercial Company.

The United States of America and the Republic of Salvador, through their representatives, John Hay, Secretary of State of the United States of America, and Don Rafael Zaldivar, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador, have agreed upon and signed the following protocol:

Whereas, the United States of America, on behalf of the Salvador Commercial Company and of any and all of its citizens as described above, claim indemnity from the Government of Salvador for damages alleged to have been caused to such stockholders, as mentioned either in said Memorial, in the correspondence between the two Governments or in the report of the Solicitor of the Department of State, made to the Secretary of State; and

Whereas, the Government of Salvador denies any liability either to the Salvador Commercial Company or to any such citizens by reason of the acts and alleged grievances above referred to;

It is therefore agreed between the two Governments:

I.

That the said questions of law and fact brought in issue between the two Governments shall be referred to the decision of the Honorable Henry Strong, Chief Justice of the Dominion of Canada; the Honorable Don M. Dickinson, of Detroit, Michigan; and the Honorable Dr. David Castro, Chief Justice of the Supreme Court of Salvador, whose award in writing and stating the grounds of the decision shall be final and conclusive.

II.

The Arbitration tribunal shall sit at Washington, D. C., and shall hold its first session not later than the first day of April, 1902. A majority of the arbitrators shall be competent to act as well as to decide on all matters and questions submitted to the arbitral tribunal. Should either said Strong, Dickinson or Castro be unable to serve as

arbitrator, in that event the place of the former shall be filled by agreement of the two Governments and of either of the two latter by the United States and Salvador respectively.

III.

That within eighty days from the date of the signing of this protocol, each party shall furnish to the other and to each of the arbitrators a copy of the said Memorial and copies of all the documents, papers, accounts, official correspondence and other evidence on file at their respective Foreign offices relating to said claims, and of all affidavits of their respective witnesses relating thereto, and the Department of State of the United States shall include among the documents thus transmitted by it copies of the report of its Solicitor in said case; and each party shall furnish in the manner aforesaid all books of account, contracts and papers of the "El Triunfo Company Limited" which may be in its possession or control: Provided, That said arbitration tribunal may request either Government to furnish such additional evidence as it may deem necessary in the interests of justice, and each Government agrees to comply with said request; it may, also, in its discretion, allow all such pleadings to be filed as may be conducive to the full presentation and trial of the claims of the interested parties.

IV.

The arbitration tribunal shall have full power to regulate the procedure and to take such action and make any such order as it may find necessary in the interests of justice. Each Government agrees to abide by such determination, and in default thereof, the said tribunal may proceed in such manner and at such times as it may determine, in order to close the proofs and make final and complete award. It shall also have power to appoint such officials to render such clerical and other assistance as it may find needful, and fix the stipend therefor, as well as to provide for payment by the parties of all expenses incident to the arbitration.

V.

Each of said Governments by their respective counsel, and the said stockholders by their attorney, may orally argue said cause and may severally submit to the said tribunal written arguments, copies of which shall at the same time be furnished to counsel of the other parties, with the right to reply, touching the questions of law and fact in issue, within thirty days from the date limited for the submission of the evidence; but the said tribunal shall not for such purpose in any event delay its decision beyond two months from the date of the submission to it of the evidence aforesaid, unless for good cause said tribunal shall find a longer period necessary, which shall in no event exceed three months.

VI.

If said tribunal finds that any liability is established, it shall have full power to grant complete, just and legal relief to the parties; the damages awarded shall be fully compensatory but shall not include

any which are merely speculative or imaginary. The tribunal may also pass upon the right of claimant to recover costs and reasonable attorney's fees and the award may bear interest at the rate of six per cent. per annum from the date when the damages are shown to have occured. It shall bear interest at the rate of six per cent. per annum from the date of its rendition until paid.

VII.

The award, if any, shall be payable, in American gold, as soon as the National Assembly of Salvador shall authorize the payment; but said authorization shall be made at its next ensuing regular session, in February, 1903. An extension of the time of its payment may be granted by the Government of the United States.

VIII.

Reasonable compensation to the arbitrators for their services and all expenses incident to the arbitration shall be allowed and paid in equal moieties by said Governments.

IX.

This protocol shall be submitted for approval and ratification by the Congress of the Republic of Salvador. When so approved and ratified, the Government of Salvador will immediately notify the Government of the United States thereof. Unless so approved and ratified and such notice is given by the Government of Salvador on or before March 1st, 1902, this protocol shall be deemed null and void; and the United States will be at liberty to proceed diplomatically.

Done in quadruplicate in English and Spanish at Washington, this nineteenth day of December, 1901.

JOHN HAY
RAFAEL ZALDIVAR

On the 8th day of May, 1902, the arbitrators rendered their award, awarding a total of $537,178.64 to the claimants.

1908.

NATURALIZATION CONVENTION.

Signed at San Salvador, March 14, 1908; ratification advised by the Senate, April 13, 1908; ratified by the President, May 26, 1908; ratifications exchanged at San Salvador, July 20, 1908; proclaimed, July 23, 1908.

ARTICLES.

I. Naturalization recognized.
II. Renunciation of naturalization.
III. Definition of citizen.
IV. Liability for prior offenses.
V. Declaration of intention.
VI. Effect; ratification.

Convention to fix the condition of naturalized citizens who renew their residence in the country of their origin.

The President of the United States of America and the President of the Republic of Salvador, desiring to regulate the citizenship of

those persons who emigrate from the United States of America to Salvador, and from Salvador to the United States of America, have resolved to conclude a convention on this subject and for that purpose have appointed their plenipotentiaries to conclude a convention, that is to say: the President of the United States of America, John Hanaford Gregory, Jr., Chargé d'Affaires ad interim of the United States at Salvador; and the President of Salvador, señor doctor don Salvador Rodríguez González, Minister for Foreign Affairs, who have agreed to and signed the following Articles:

ARTICLE I.

Citizens of the United States who may or shall have been naturalized in Salvador, upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Salvador. Reciprocally, Salvadoreans who may or shall have been naturalized in the United States upon their own application or with their own consent, will be considered by the Republic of Salvador as citizens of the United States.

ARTICLE II.

If a Salvadorean, naturalized in the United States of America, renews his residence in Salvador, without intent to return to the United States, he may be held to have renounced his naturalization in the United States. Reciprocally, if a citizen of the United States, naturalized in Salvador, renews his residence in the United States, without intent to return to Salvador, he may be presumed to have renounced his naturalization in Salvador.

The intent not to return may be held to exist when the person naturalized in the one country, resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

ARTICLE III.

It is mutually agreed that the definition of the word "citizen," as used in this convention, shall be held to mean a person to whom nationality of the United States or Salvador attaches.

ARTICLE IV.

A recognized citizen of the one party, returning to the territory of the other, remains liable to trial and legal punishment for an action punishable by the laws of his original country and committed before his emigration; but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ARTICLE V.

The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE VI.

The present convention shall go into effect immediately on the exchange of ratifications, and in the event of either party giving the other notice of its intention to terminate the convention it shall continue to be in effect for one year more, to count from the date of such notice.

The present convention shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contracting parties, and the ratifications shall be exchanged at San Salvador or Washington within twenty-four months of the date hereof.

Signed at the city of San Salvador, on the fourteenth day of March, one thousand nine hundred and eight.

JOHN HANFORD GREGORY JR. [SEAL.]
SALVADOR RODRIGUEZ G [SEAL.]

1908.

ARBITRATION CONVENTION.

Signed at Washington, December 21, 1908; ratification advised by the Senate, January 6, 1909; ratified by the President, March 1, 1909; ratifications exchanged at Washington, July 3, 1909; proclaimed, July 7, 1909.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America, signatory of the two conventions for the Pacific Settlement of International Disputes, concluded at The Hague, respectively, on July 29, 1899, and October 18, 1907, and the Government of the Republic of Salvador, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907;

Taking into consideration that by Article XIX of the convention of July 29, 1899, and by Article XL of the convention of October 18, 1907, the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, for the pacific settlement of international disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that

they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Salvador shall be subject to the procedure required by the Constitution and laws thereof.

ARTICLE III.

The present Convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Salvador in accordance with the Constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this 21st day of December, one thousand nine hundred and eight.

ELIHU ROOT [SEAL.]
F. MEJÍA [SEAL.]

SAMOAN ISLANDS.

1878.[a]

COMMERCE.

Concluded January 17, 1878; ratification advised by the Senate with amendments January 30, 1878; ratified by the President February 8, 1878; ratifications exchanged February 11, 1878; proclaimed February 13, 1878.

ARTICLES.

I. Amity.
II. United States vessels.
III. Duties.
IV. Disputes.
V. Differences between Samoa and other Powers.
VI. Most favored nation.
VII. Duration.
VIII. Ratification.

The Government of the United States of America and the Government of the Samoan Islands, being desirous of concluding a treaty of friendship and commerce, the President of the United States has for this purpose conferred full powers upon William M. Evarts, Secretary of State; and the Government of the Samoan Islands has conferred like powers upon MK. Le Mamea, its Envoy Extraordinary to the United States. And the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

There shall be perpetual peace and friendship between the Government of the United States and the Government of the Samoan Islands.

ARTICLE II.

Naval vessels of the United States shall have the privilege of entering and using the port of Pagopago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the in-

[a] This treaty was annulled by treaty of December 2, 1899, between the United States, Germany, and Great Britain, page 1595.

habitants of those islands, whether natives or foreigners, or to barter them for the products of the islands. All such traffic in whatever articles of trade or barter shall be free, except that the trade in fire-arms and munitions of war in the islands shall be subject to regulations by that Government.

ARTICLE III.

No import or export duty shall be charged on the cargoes of the vessels of the United States entering or clearing from the ports of the Samoan Islands, and no other than a tonnage duty of one-half of one per cent. per ton actual measurement [a] shall be charged on the entrance of such vessels.

ARTICLE IV.

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offences or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide; and all disputes between citizens of the United States and the people of those Islands shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offences in cases where citizens of the United States may be convicted shall be punished according to the laws of their country; and in cases where the people of the Samoan Islands may be convicted, they shall be punished pursuant to Samoan laws and by the authorities of that country.

ARTICLE V.

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other Government in amity with the United States, the Government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

ARTICLE VI.

The Government of Samoa agrees to allow to the Government and citizens of the United States free and equal participation in any privileges that may have been or may hereafter be granted to the Government, citizens, or subjects of any other nation.

ARTICLE VII.

The present treaty shall remain in force for ten years from its date. If neither party shall have given to the other six months previous

[a] MEMORANDUM.—The words "one-half of one per cent. per ton actual measurement" in Article III, are understood to mean at the rate of one-half cent on each ton, and they are not deemed susceptible of any other meaning.

MK. LE MAMEA.

DEPARTMENT OF STATE,
Washington, February 9, 1878.

notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other of such intention.

ARTICLE VIII.

The present treaty shall be ratified and the ratifications exchanged as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this treaty at Washington, the seventeenth day of January, one thousand eight hundred and seventy eight.

[SEAL.] WILLIAM MAXWELL EVARTS.
[SEAL.] MK. LE MAMEA.

1889.[a]

GENERAL ACT PROVIDING FOR THE NEUTRALITY AND AUTONOMOUS GOVERNMENT OF THE SAMOAN ISLANDS.

Concluded at Berlin June 14, 1889; ratification advised by the Senate February 4, 1890; ratified by the President February 21, 1890; ratifications exchanged April 12, 1890; assented to by Samoa April 19, 1890; proclaimed May 21, 1890.

ARTICLES.

I. Declaration of the independence and neutrality of the islands.
II. Modification of existing treaties.
III. Establishment of supreme court of justice; jurisdiction.
IV. Settlement of land titles.
V. Municipal administration of Apia.
VI. Taxation and revenue.
VII. Sale of arms, ammunition, and intoxicating liquors.
VIII. General dispositions.

THE PRESIDENT OF THE UNITED STATES OF AMERICA, HIS MAJESTY THE EMPEROR OF GERMANY, KING OF PRUSSIA, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, EMPRESS OF INDIA,

Wishing to provide for the security of the life, property and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with the Islands of Samoa; and desirous at the same time to avoid all occasions of dissension between their respective Governments and the Government and people of Samoa, while promoting as far as possible the peaceful and orderly civilization of the people of these Islands have resolved, in accordance with the invitation of the Imperial Government of Germany, to resume in Berlin the Conference of Their Plenipotentiaries which was begun in Washington on June 25, 1887; and have named for Their present Plenipotentiaries the following:

The President of the United States of America:
Mr. John A. Kasson,
Mr. William Walter Phelps,
Mr. George H. Bates;

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[a] This general act was annulled by treaty of December 2, 1899, between United States, Germany, and Great Britain, page 1595.

His Majesty the Emperor of Germany, King of Prussia:
Count Bismarck, Minister of States, Secretary of State for Foreign Affairs,
Baron von Holstein, Actual Privy Councillor of Legation,
Dr. Krauel, Privy Councillor of Legation;
Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India:
Sir Edward Baldwin Malet, Her Majesty's Ambassador to the Emperor of Germany, King of Prussia,
Charles Stewart Scott Esquire, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation.
Joseph Archer Crowe Esquire, Her Majesty's Commercial Attaché for Europe,
who, furnished with full powers which have been found in good and due form, have successively considered and adopted:

First; A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to their respective citizens and subjects equality of rights in said Islands, and providing for the immediate restoration of peace and order therein.

Second; A Declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act.

Third; A Declaration respecting the establishment of a Supreme Court of Justice for Samoa, and defining its jurisdiction.

Fourth; A Declaration respecting titles to land in Samoa, restraining the disposition thereof by natives, and providing for the investigation of claims thereto and for the registration of valid titles.

Fifth; A Declaration respecting the Municipal District of Apia, providing a local administration therefor and defining the jurisdiction of the Municipal Magistrate.

Sixth; A Declaration respecting taxation and revenue in Samoa.

Seventh; A Declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.

Eighth; General Dispositions.

ARTICLE I.—*A Declaration respecting the independence and neutrality of the Islands of Samoa, and assuring to the respective citizens and subjects of the Signatory Powers equality of rights in said Islands; and providing for the immediate restoration of peace and order therein.*

It is declared that the Islands of Samoa are neutral territory in which the citizens and subjects of the Three Signatory Powers have equal rights of residence, trade and personal protection. The Three Powers recognize the independence of the Samoan Government and the free right of the natives to elect their Chief or King and choose their form of Government according to their own laws and customs. Neither of the Powers shall exercise any separate control over the Islands or the Government thereof.

It is further declared, with a view to the prompt restoration of peace and good order in the said Islands, and in view of the difficulties which would surround an election in the present disordered condition of their Government, that Malietoa Laupepa, who was formerly made and appointed King on the 12th day of July 1881, and was so recognized by the Three Powers, shall again be so recognized

hereafter in the exercise of such authority, unless the Three Powers shall by common accord otherwise declare; and his successor shall be duly elected according to the laws and customs of Samoa.

ARTICLE II.—*A Declaration respecting the modification of existing treaties, and the assent of the Samoan Government to this Act.*

Considering that the following provisions of this General Act can not be fully effective without a modification of certain provisions of the treaties heretofore existing between the Three Powers, respectively, and the Government of Samoa, it is mutually declared that in every case where the provisions of this Act shall be inconsistent with any provision of such treaty or treaties, the provisions of this Act shall prevail.

Considering further, that the consent of the Samoan Government is requisite to the validity of the stipulations hereinafter contained, the Three Powers mutually agree to request the assent of the Samoan Government to the same, which, when given, shall be certified in writing to each of the Three Governments through the medium of their respective Consuls in Samoa.

ARTICLE III.—*A Declaration respecting the establishment of a Supreme Court of Justice for Samoa and defining its jurisdiction.*

Section 1.

A Supreme Court shall be established in Samoa to consist of one Judge, who shall be styled Chief Justice of Samoa, and who shall appoint a Clerk and a Marshal of the Court; and record shall be kept of all orders and decisions made by the Court, or by the Chief Justice in the discharge of any duties imposed on him under this Act. The Clerk and Marshal shall be allowed reasonable fees to be regulated by order of the Court.

Section 2.

With a view to secure judicial independence and the equal consideration of the rights of all parties, irrespective of nationality, it is agreed that the Chief Justice shall be named by the Three Signatory Powers in common accord; or, failing their agreement, he may be named by the King of Sweden and Norway. He shall be learned in law and equity, of mature years, and of good repute for his sense of honour, impartiality and justice.

His decision upon questions within his jurisdiction shall be final. He shall be appointed by the Samoan Government upon the certificate of his nomination as herein provided. He shall receive an annual salary of six thousand dollars (6000^{00}) in gold, or its equivalent, to be paid the first year in equal proportions by the Three Treaty Powers, and afterward out of the revenues of Samoa apportioned to the use of the Samoan Government, upon which his compensation shall be the first charge. Any deficiency therein shall be made good by the Three Powers in equal shares.

The powers of the Chief Justice, in case of a vacancy of that office from any cause, shall be exercised by the President of the Municipal Council, until a successor shall be duly appointed and qualified.

Section 3.

In case either of the four Governments shall at any time have cause of complaint against the Chief Justice for any misconduct in office, such complaint shall be presented to the authority which nominated him, and, if in the judgment of such authority there is sufficient cause for his removal, he shall be removed. If the majority of the Three Treaty Powers so request, he shall be removed. In either case of removal, or in case the office shall become otherwise vacant, his successor shall be appointed as herein before provided.

Section 4.

The Supreme Court shall have jurisdiction of all questions arising under the provisions of this General Act; and the decision or order of the Court thereon shall be conclusive upon all residents of Samoa. The Court shall also have appellate jurisdiction over all Municipal Magistrates and officers.

Section 5.

The Chief Justice is authorized at his own discretion, and required upon written request of either party litigant, to appoint assessors, one of the nationality of each litigant, to assist the court, but without voice in the decision.

Section 6.

In case any question shall hereafter arise in Samoa respecting the rightful election or appointment of King or of any other Chief claiming authority over the Islands; or respecting the validity of the powers which the King or any Chief may claim in the exercise of his office, such question shall not lead to war but shall be presented for decision to the Chief Justice of Samoa, who shall decide it in writing, conformably to the provisions of this Act and to the laws and customs of Samoa not in conflict therewith; and the Signatory Governments will accept and abide by such decision.

Section 7.

In case any difference shall arise between either of the Treaty Powers and Samoa which they shall fail to adjust by mutual accord, such difference shall not be held cause for war, but shall be referred for adjustment on the principles of justice and equity to the Chief Justice of Samoa, who shall make his decision thereon in writing.

Section 8.

The Chief Justice may recommend to the Government of Samoa the passage of any law which he shall consider just and expedient for the prevention and punishment of crime and for the promotion of good order in Samoa outside the Municipal District and for the collection of taxes without the District.

Section 9.

Upon the organization of the Supreme Court there shall be transferred to its exclusive jurisdiction

1. All civil suits concerning real property situated in Samoa and all rights affecting the same.
2. All civil suits of any kind between natives and foreigners or between foreigners of different nationalities.
3. All crimes and offences committed by natives against foreigners or committed by such foreigners as are not subject to any consular jurisdiction; subject however to the provisions of section 4 Article V defining the jurisdiction of the Municipal Magistrate of the District of Apia.

Section 10.

The practice and procedure of Common Law, Equity and Admiralty, as administered in the courts of England, may be—so far as applicable—the practice and procedure of this Court; but the Court may modify such practice and procedure from time to time as shall be required by local circumstances. The Court shall have authority to impose, according to the crime, the punishment established therefor by the laws of the United States, of England, or of Germany, as the Chief Justice shall decide most appropriate: or, in the case of Native Samoans and other Natives of the South Sea Islands, according to the laws and customs of Samoa.

Section 11.

Nothing in this article shall be so construed as to affect existing consular jurisdiction over all questions arising between masters and seamen of their respective national vessels; nor shall the Court take any ex post facto or retroactive jurisdiction over crimes or offences committed prior to the organization of the Court.

ARTICLE IV.—*A Declaration respecting titles to land in Samoa and restraining the disposition thereof by natives; and providing for the investigation of claims thereto, and for the registration of valid titles.*

Section 1.

In order that the native Samoans may keep their lands for cultivation by themselves and by their children after them, it is declared that all future alienation of lands in the Islands of Samoa to the citizens or subjects of any foreign country, whether by sale, mortgage or otherwise shall be prohibited, subject to the following exceptions:

(a) Town lots and lands within the limits of the Municipal District as defined in this Act may be sold or leased by the owner for a just consideration when approved in writing by the Chief Justice of Samoa:

(b) Agricultural lands in the Islands may be leased for a just consideration and with carefully defined boundaries for a term not exceeding forty (40) years when such lease is approved in

writing by the Chief Executive Authority of Samoa and by the Chief Justice.

But care should be taken that the agricultural lands and natural fruit lands of Samoans shall not be unduly diminished.

Section 2.

In order to adjust and settle all claims by aliens of titles to land or any interest therein in the Islands of Samoa, it is declared that a Commission shall be appointed to consist of three (3) impartial and competent persons, one to be named by each of the Three Treaty Powers; to be assisted by an officer to be styled "Natives' Advocate", who shall be appointed by the Chief-Executive of Samoa with the approval of the Chief Justice of Samoa.

Each Commissioner shall receive during his necessary term of service, a compensation at the rate of three hundred dollars per month and his reasonable fare to and from Samoa. The reasonable and necessary expenses of the Commission for taking evidence and making surveys (such expenses to be approved by the Chief Justice) shall also be paid, one third by each of the Treaty Powers.

The compensation of the Natives' Advocate shall be fixed and paid by the Samoan Government.

Each Commissioner shall be governed by the provisions of this Act; and shall make and subscribe an oath before the Chief Justice that he will faithfully and impartially perform his duty as such Commissioner.

Section 3.

It shall be the duty of this Commission, immediately upon their organization, to give public notice that all claims on the part of any foreigner to any title or interest in lands in Samoa must be presented to them, with due description of such claim and all written evidence thereof, within four months from such notice for the purpose of examination and registration; and that all claims not so presented will be held invalid and forever barred; but the Chief Justice may allow a reasonable extension of time for the production of such evidence when satisfied that the claimant has after due diligence been unable to produce the same within the period aforesaid. This notice shall be published in Samoa in the German, English and Samoan Languages as directed by the Commission.

The labours of the Commission shall be closed in two years, and sooner if practicable.

Section 4.

It shall be the duty of the Commission to investigate all claims of foreigners to land in Samoa, whether acquired from natives or from aliens, and to report to the Court in every case the character and description of the claim, the consideration paid, the kind of title alleged to be conveyed, and all the circumstances affecting its validity.

They shall especially report

(a) whether the sale or disposition was made by the rightful owner or native entitled to make it.

(b) Whether it was for a sufficient consideration.

(c) The identification of the property affected by such sale or disposition.

Section 5.

The Commission whenever the case requires it shall endeavour to effect a just and equitable compromise between litigants. They shall also report to the Court whether the alleged title should be recognized and registered or rejected, in whole or in part, as the case may require.

Section 6.

All disputed claims to land in Samoa shall be reported by the Commission to the Court, together with all the evidence affecting their validity; and the Court shall make final decision thereon in writing, which shall be entered on its record.

Undisputed claims and such as shall be decided valid by the unanimous voice of the Commission shall be confirmed by the Court in proper form in writing, and be entered of record.

Section 7.

The Court shall make provision for a complete registry of all valid titles to land in the Islands of Samoa which are or may be owned by foreigners.

Section 8.

All lands acquired before the 28th day of August 1879—being the date of the Anglo-Samoan Treaty—shall be held as validly acquired,—but without prejudice to rights of third parties,—if purchased from Samoans in good faith, for a valuable consideration, in a regular and customary manner. Any dispute as to the fact or regularity of such sale shall be examined and determined by the Commission, subject to the revision and confirmation of the Court.

Section 9.

The undisputed possession and continuous cultivation of lands by aliens for ten years or more, shall constitute a valid title by prescription to the lands so cultivated, and an order for the registration of the title thereto may be made.

Section 10.

In cases where land acquired in good faith has been improved or cultivated upon a title which is found to be defective, the title may be confirmed in whole or in part upon the payment by the occupant to the person or persons entitled thereto of an additional sum to be ascertained by the Commission and approved by the Court as equitable and just.

Section 11.

All claims to land, or any interest therein, shall be rejected and held invalid in the following cases:

(a) Claims based upon mere promises to sell, or options to buy.

(b) Where the deed, mortgage or other conveyance contained at the time it was signed no description of the land conveyed sufficiently accurate to enable the Commission to define the boundaries thereof.

(c) Where no consideration is expressed in the conveyance, or if expressed has not been paid in full to the grantor, or if the consideration at the time of the conveyance was manifestly inadequate and unreasonable.

(d) Where the conveyance whether sale, mortgage or lease was made upon the consideration of a sale of firearms or munitions of war, or upon the consideration of intoxicating liquors, contrary to the Samoan law of October 25, 1880, or contrary to the Municipal regulations of January 1, 1880.

Section 12.

The Land Commission may at its discretion through the Local Government of the District in which the disputed land is situated appoint a native Commission to determine the native grantor's right of ownership and sale; and the result of that investigation, together with all other facts pertinent to the question of validity of title, shall be laid before the Commission to be by them reported to the Court.

ARTICLE V.—*A Declaration respecting the Municipal District of Apia, providing a local administration therefor, and defining the jurisdiction of the Municipal Magistrate.*

Section 1.

The Municipal District of Apia is defined as follows: beginning at Vailoa, the boundary passes thence westward along the coast to the mouth of the River Fuluasa; thence following the course of the river upwards to the point at which the Alafuala road crosses said river; thence following the line of said road to the point where it reaches the River Vaisinago; and thence in a straight line to the point of beginning at Vailoa—embracing also the waters of the Harbour of Apia.

Section 2.

Within the aforesaid District shall be established a Municipal Council, consisting of six members and a President of the Council, who shall also have a vote.

Each member of the Council shall be a resident of the said District and owner of real estate or conductor of a profession or business in said District which is subject to a rate or tax not less in amount than $5 per ann.

For the purpose of the election of members of the Council, the said District shall be divided into two, or three, electoral districts from each of which an equal number of Councillors shall be elected by the taxpayers thereof qualified as aforesaid, and the members elected from each electoral district shall have resided therein for at least six months prior to their election.

It shall be the duty of the Consular Representatives of the three Treaty Powers to make the said division into electoral districts as soon as practicable after the signing of this Act. In case they fail to

agree thereon, the Chief Justice shall define the electoral districts. Subsequent changes in the number of Councillors or the number and location of electoral districts may be provided for by municipal ordinance.

The Councillors shall hold their appointment for a term of two years and until their successors shall be elected and qualified.

In the absence of the President the Council may elect a Chairman "pro tempore".

Consular Officers shall not be eligible as Councillors, nor shall Councillors exercise any Consular functions during their term of office.

Section 3.

The Municipal Council shall have jurisdiction over the Municipal District of Apia so far as necessary to enforce therein the provisions of this Act which are applicable to said District, including the appointment of a Municipal Magistrate and of the necessary subordinate officers of justice and of administration therein; and to provide for the security in said District of person and property, for the assessment and collection of the revenues therein as herein authorized; and to provide proper fines and penalties for the violation of the laws and ordinances which shall be in force in said District and not in conflict with this Act, including sanitary and police regulations. They shall establish pilot charges, port dues, quarantine and other regulations of the port of Apia, and may establish a local postal system. They shall also fix the salary of the Municipal Magistrate and establish the fees and charges allowed to other civil officers of the District, excepting Clerk and Marshal of the Supreme Court.

All ordinances, resolutions and regulations passed by this Council before becoming law shall be referred to the Consular Representatives of the Three Treaty Powers sitting conjointly as a Consular Board, who shall either approve and return such regulations or suggest such amendments as may be unanimously deemed necessary by them.

Should the Consular Board not be unanimous in approving the regulations referred to them, or should the amendments unanimously suggested by the Consular Board not be accepted by a majority of the Municipal Council, then the regulations in question shall be referred for modification and final approval to the Chief Justice of Samoa.

Section 4.

The Municipal Magistrate shall have exclusive jurisdiction in the first instance over all persons irrespective of nationality in case of infraction of any law, ordinance, or regulation passed by the Municipal Council in accordance with the provisions of this Act, provided that the penalty does not exceed a fine of two hundred dollars or imprisonment for a longer term than 180 days.

In cases where the penalty imposed by the Municipal Magistrate shall exceed a fine of twenty dollars or a term of ten days imprisonment an appeal may be taken to the Supreme Court.

Section 5.

The President of the Municipal Council shall be a man of mature years, and of good reputation for honour, justice and impartiality. He shall be agreed upon by the Three Powers; or, failing such agreement, he shall be selected from the nationality of Sweden, The Netherlands, Switzerland, Mexico or Brazil, and nominated by the Chief-Executive of the nation from which he is selected, and appointed by the Samoan Government upon certificate of such nomination.

He may act under the joint instruction of the Three Powers, but shall receive no separate instruction from either. He shall be guided by the spirit and provisions of this General Act, and shall apply himself to the promotion of the peace, good order and civilization of Samoa. He may advise the Samoan Government when occasion requires, and shall give such advice when requested by the King, but always in accordance with the provisions of this Act, and not to the prejudice of the rights of either of the Treaty Powers.

He shall receive an annual compensation of five thousand dollars (5000^{00}), to be paid the first year in equal shares by the Three Treaty Powers, and afterward out of that portion of Samoan revenues assigned to the use of the Municipality, upon which his salary shall be the first charge.

He shall be the Receiver and Custodian of the revenues accruing under the provisions of this Act, and shall render quarterly reports of his receipts and disbursements to the King, and to the Municipal Council.

He shall superintend the Harbour and Quarantine regulations, and shall, as the chief executive officer be in charge of the administration of the laws and ordinances applicable to the Municipal District of Apia.

Section 6.

The Chief Justice shall, immediately after assuming the duties of his office in Samoa, make the proper order or orders for the election and inauguration of the local government of the Municipal District, under the provisions of this Act. Each Member of the Municipal Council, including the President, shall, before entering upon his functions, make and subscribe before the Chief Justice an oath, or affirmation that he will well and faithfully perform the duties of his office.

ARTICLE VI.—*A Declaration respecting Taxation and Revenue in Samoa.*

Section 1.

The port of Apia shall be the port of entry for all dutiable goods arriving in the Samoan Islands; and all foreign goods, wares and merchandize landed on the Islands shall be there entered for examination: but coal and naval stores which either Government has by treaty reserved the right to land at any harbour stipulated for that purpose are not dutiable when imported as authorized by such treaty, and may be there landed as stipulated without such entry or examination.

Section 2.

To enable the Samoan Government to obtain the necessary revenue for the maintenance of government and good order in the Islands, the following duties, taxes and charges may be levied and collected, without prejudice to the right of the native government to levy and collect other taxes in its discretion upon the natives of the Islands and their property, and with the consent of the Consuls of the Signatory Powers upon all property outside the Municipal District, provided such tax shall bear uniformly upon the same class of property, whether owned by natives of foreigners.

A. *Import duties.*

	Doll. c.
1. On Ale and Porter and Beer per dozen quarts	—.50
2. On Spirits, per Gallon	2.50
3. On Wine except sparkling, per Gallon	1.—
4. On Sparkling Wines per Gallon	1.50
5. On Tobacco per lb	—.50
6. On Cigars per lb	1.—
7. On Sporting arms, each	4.—
8. On Gunpowder per lb	—.25
9. Statistical duty on all merchandise and goods imported, except as aforesaid, ad valorem	2 p. c.

B. *Export duties.*

on copra	2½ p. c.
on cotton ad valorem	1½ p. c.
on coffee	2 p. c.

C. *Taxes to be annually levied.*

1. Capitation tax on Samoans and other Pacific Islanders not included under No. 2, per head	1.—
2. Capitation tax on coloured plantation labourers, other than Samoans, per head	2.—
3. On boats, trading and others (excluding native canoes and native boats carrying only the owner's property) each	4.—
4. On firearms, each	2.—
5. On dwelling houses (not including the dwelling houses of Samoan natives) and on land and houses used for commercial purposes, ad valorem	1. p. c.
6. Special taxes on traders as follows:	
Class I.	
On stores of which the monthly sales are $2000 or more, each store	100.—
Class II.	
Below $2000 and not less than $1000	48.—
Class III.	
Below $1000 and not less than $500	36.—
Class IV.	
Below $500 and not less than $250	24.—
Class V.	
Below $250	12.—

D. *Occasional taxes.*

1. On trading vessels exceeding 100 tons burden, calling at Apia, at each call	10.—
2. Upon deeds of real estate, to be paid before registration thereof can be made, and, without payment of which, title shall not be held valid, upon the value of the consideration paid	½ p. c.
3. Upon other written transfers of property, upon the selling price	1 p. c.

Evidence of the payment of the last two taxes may be shown by lawful stamps affixed to the title paper, or otherwise by the written receipt of the proper tax collector.

4. Unlicensed butchers in Apia shall pay upon their sales	1 p. c.

E. *License taxes.*

No person shall engage as proprietor or manager in any of the following professions or occupations except after having obtained a License therefor, and for such License the following tax shall be paid in advance:

	Doll.		
Tavern Keeper	10	per	month.
Attorney, barrister or Solicitor	60	per	annum.
Doctor of Medicine or dentistry	30	"	"
Auctioneer or commission agent	40	"	"
Baker	12	"	"
Banks or companies for banking	60	"	"
Barber	6	"	"
Blacksmith	5	"	"
Boat Builder	6	"	"
Butcher	12	"	"
Cargo-boat or lighter	6	"	"
Carpenter	6	"	"
Photographer or Artist	12	"	"
Engineer	12	"	"
" assistants	6	"	"
" apprentices	3	"	"
Hawker	1	"	"
Pilot	24	"	"
Printing press	12	"	"
Sail maker	6	"	"
Ship builder	6	"	"
Shoemaker	6	"	"
Land Surveyor	6	"	"
Tailor	6	"	"
Waterman	6	"	"
Salesmen, bookkeepers, clerks, paid not less than $75 a month	3	"	"
Same when paid over $75 a month	6	"	"
White labourers and domestics per head	5	"	"
Factory hands and independent workmen	5	"	"

Section 3.

Of the revenues paid into the Treasury the proceeds of the Samoan capitation tax, of the license taxes paid by native Samoans, and of all other taxes which may be collected without the Municipal District, shall be for the use and paid out upon the order of the Samoan Government. The proceeds of the other taxes, which are collected in the Municipal District exclusively, shall be held for the use and paid out upon the order of the Municipal Council to meet the expenses of the Municipal Administration as provided by this Act.

Section 4.

It is understood that " Dollars " and " Cents", terms of money used in this Act, describe the standard money of the United States of America, or its equivalent in other currencies.

ARTICLE VII.—*A declaration respecting arms and ammunition, and intoxicating liquors, restraining their sale and use.*

Section 1.

Arms and ammunition.

The importation into the Islands of Samoa of arms and ammunition by the natives of Samoa, or by the citizens or subjects of any foreign country, shall be prohibited except in the following cases:

(a) Guns and ammunition for sporting purposes, for which written license shall have been previously obtained from the President of the Municipal Council.

(b) Small arms and ammunition carried by travellers as personal appanage.

The sale of arms and ammunition by any foreigner to any native Samoan subject or other Pacific Islander resident in Samoa is also prohibited.

Any arms or ammunition imported or sold in violation of these provisions shall be forfeited to the Government of Samoa. The Samoan Government retains the right to import suitable arms and ammunition to protect itself and maintain order; but all such arms and ammunition shall be entered at the Customs (without payment of duty) and reported by the President of the Municipal Council to the Consuls of the Three Treaty Powers.

The Three Governments reserve to themselves the future consideration of the further restrictions which it may be necessary to impose upon the importation and use of firearms in Samoa.

Section 2.

Intoxicating Liquors.

No spirituous, vinous or fermented liquors, or intoxicating drinks whatever, shall be sold, given or offered to any native Samoan, or South Sea Islander resident in Samoa, to be taken as a beverage.

Adequate penalties, including imprisonment, for the violation of the provisions of this Article shall be established by the Municipal Council for application within its jurisdiction; and by the Samoan Government for all the Islands.

ARTICLE VIII.—*General Dispositions.*

Section 1.

The provisions of this Act shall continue in force until changed by consent of the Three Powers. Upon the request of either Power after three years from the signature hereof, the Powers shall consider by common accord what ameliorations, if any, may be introduced into the provisions of this General Act. In the meantime any special amendment may be adopted by the consent of the Three Powers with the adherence of Samoa.

Section 2.

The present General Act shall be ratified without unnecessary delay, and within the term of ten months from the date of its signature.

In the meantime the Signatory Powers respectively engage themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each Power further engages itself to give effect in the meantime to all provisions of this Act which may be within its authority prior to the final ratification.

Ratification shall be exchanged by the usual diplomatic channels of communication.

The assent of Samoa to this General Act shall be attested by a certificate thereof signed by the King and executed in triplicate, of which one copy shall be delivered to the Consul of each of the Signatory Powers at Apia for immediate transmission to his Government.

Done in triplicate at Berlin this fourteenth day of June one thousand eight hundred and eighty nine.

JOHN A: KASSON
WM. WALTER PHELPS.
GEO. H. BATES
H. BISMARCK
HOLSTEIN.
R KRAUEL.
EDWARD B MALET
CHARLES S: SCOTT
J. A. CROWE

1899.

CONVENTION BETWEEN UNITED STATES, GERMANY, AND GREAT BRITAIN RELATING TO SETTLEMENT OF SAMOAN CLAIMS.

Concluded November 7, 1899; ratification advised by Senate February 21, 1900; ratified by President March 5, 1900; ratifications exchanged March 7, 1900; proclaimed March 8, 1900.

ARTICLES.

I. Claims considered.
II. Arbitrator.
III. Claims of persons not natives.
IV. Ratifications.

The President of the United States of America, His Majesty the German Emperor, King of Prussia, in the name of the German Empire, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of effecting a prompt and satisfactory settlement of the claims of the citizens and subjects of their respective countries resident in the Samoan Islands on account of recent military operations conducted there, and having resolved to conclude a Convention for the accomplishment of this end by means of arbitration, have appointed as their respective plenipotentiaries:

The President of the United States of America, The Honorable John Hay, Secretary of State of the United States;

His Majesty the German Emperor, King of Prussia, His Minister in Extraordinary Mission, *Dr. Jur.* Mumm von Schwarzenstein, Privy Councilor of Legation; and

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Mr. Reginald Tower, Her Britannic Majesty's Chargé d'Affaires *ad interim;*

Who, after having communicated to each other their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

All claims put forward by American citizens or Germans or British subjects respectively, whether individuals or companies, for compensation on account of losses which they allege that they have suffered in consequence of unwarranted military action, if this be shown to have occurred, on the part of American, German or British officers between the first of January last and the arrival of the Joint Commission in Samoa shall be decided by arbitration in conformity with the principles of International Law or considerations of equity.

ARTICLE II.

The three Governments shall request His Majesty the King of Sweden and Norway to accept the office of Arbitrator. It shall also be decided by this arbitration whether, and eventually to what extent, either of the three Governments is bound, alone or jointly with the others, to make good these losses.

ARTICLE III.

Either of the three Governments may, with the consent of the others, previously obtained in every case, submit to the King for arbitration, similar claims of persons not being natives, who are under the protection of that Government, and who are not included in the above mentioned categories.

ARTICLE IV.

The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the German Emperor, King of Prussia; and by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; and the ratifications shall be exchanged at Washington four months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in triplicate at Washington the seventh day of November, one thousand eight hundred and ninety-nine.

JOHN HAY [SEAL.]
A v MUMM [SEAL.]
REGINALD TOWER [SEAL.]

1902.

Samoan Claims Decision.

Decision given by His Majesty Oscar II, King of Sweden and Norway, as arbitrator under convention of November 7, 1899, between Germany, Great Britain, and the United States, relating to claims on account of military operations conducted in Samoa in 1899, given at Stockholm October 14, 1902.

We Oscar, by the Grace of God King of Sweden and Norway,

Having been requested by His Majesty the German Emperor, King of Prussia, in the name of the German Empire, by Her Majesty the late Queen of the United Kingdom of Great Britain and Ireland, and by the President of the United States of America to act as Arbitrator in the differences existing between them with regard to certain claims of residents in the Samoan Islands on account of military operations conducted there in the year 1899, and having accepted the office of Arbitrator;

Having received from the Imperial German Government, His Britannic Majesty's Government, and the Government of the United States of America their respective Cases accompanied by the documents, the official correspondence, and other evidence on which each Government relies, as well as, after due communication hereof, their respective Counter-Cases and additional documents, correspondence, and other evidence, and having thereupon received from the Imperial German Government their Reply to the Counter-Cases and additional documents, correspondence, and other evidence presented by the two other Governments;

Having since fully taken into Our consideration the Convention concluded and signed at Washington the 7:th of November 1899 for the settlement of the aforesaid claims by means of arbitration, and also the Cases, Counter-Cases, Reply, and evidence presented by the respective parties to the said Convention up to the 2:nd of April 1902, and having impartially and carefully examined the same:

Whereas by Art. I of the said Convention of the 7:th of November 1899 His Majesty the German Emperor, Her Britannic Majesty, and the President of the United States of America have agreed that all claims put forward by Germans, or British subjects, or American citizens, respectively, for compensation on account of losses which they allege having suffered in consequence of unwarranted military action, if this is shown to have occurred, on the part of German, British or American officers between the 1:st of January 1899 and the 13:th of May following, date of the arrival in Samoa of the Joint Commission of the Powers, should be decided by the present arbitration in conformity with the principles of international law or considerations of equity;

And whereas by Art. III of the said Convention it is provided that either of the three Governments may, with the consent of the others, previously obtained in every case, submit to the Arbitrator similar claims of persons not being natives who are under the protection of that Government, and who are not included in the above mentioned categories;

And whereas, by a subsequent arrangement made by the Signatory Powers, with Our sanction, the provisions of the Arbitration Convention have been extended to claims presented by other Powers on behalf of their subjects or citizens;

And whereas the German Government contend that the military action undertaken by British and American officers at the time aforesaid was wholly unwarranted and that, therefore, the British and United States' Governments are responsible for losses caused by said military action to Germans and to persons under German protection;

And whereas, on the other hand, the British Government and the United States' Government argue that the military action in question was not unwarranted but, on the contrary, was in every respect necessary and justifiable, and that, therefore, no claims are entitled to consideration by the Arbitrator, and no further proceedings under the aforesaid Convention necessary or admissible, while reserving to themselves the right to examine in detail the particular claims, should it later on become necessary to do so;

And whereas under Art. I of the said Convention no other claims are to be decided by the present arbitration than those for losses suffered in consequence of unwarranted military action, and thus the primary question to be determined by Us is whether the military action undertaken in Samoa at the time aforesaid by British and American officers was, or was not, unwarranted;

And whereas it is proper to settle this preliminary point at the present stage, and thus determine generally whether or not the British and United States' Governments ought to be considered responsible for losses caused by that action, before ordering any proceedings with respect to the particular claims presented;

Have resolved to confine Our attention, for the present, to those considerations only which have a distinct bearing on the said issue, and on that question have arrived at the following Decision:

Whereas, with respect to the military action complained of, it results from the declarations of the parties and from all the documents of the case that on the 15:th of March 1899 the U. S. ship "Philadelphia" and H. B. M. ships "Porpoise" and "Royalist" opened fire across the town of Apia and on the land situate in the rear of said town, the fire being directed against the forces of the High Chief Mataafa, that the greater part of the adherents of the newly appointed King of Samoa, Malietoa Tanumafili, having in those days been brought to Apia from different parts of the Samoan Islands by the British and American Naval Commanders, landed at Mulinuu and supplied by them with arms and ammunition, active hostilities thereupon ensued between the Malietoans and the Mataafa party, that from the said 15:th of March up to the 25:th of April following the said ships, in support of the Malietoa party, frequently proceeded to bombard the rear of Apia as well as various other localities on the Island of Upolu and to destroy villages by landing parties, assisted therein from the 24:th of March by H. B. M. ship "Tauranga," that from the said 15:th of March up to the said 25:th of April frequent expeditions into the interior took place by combined forces of sailors and marines from the ships of war and natives of the Malietoa party commanded by officers from the ships, for the purpose of fighting the Mataafans, or in order to procure food, and that in Apia a severe control of the street traffic was established by the Brit-

ish and American military authorities through the posting of sentries with orders to allow only bearers of passports issued by said authorities to pass;

Whereas—with respect to the contention of the British and United States' Governments that, under the terms of the General Act signed at Berlin the 14:th of June 1889, any one of the Signatory Powers was fully authorized to enforce by every means the decision of the 31:st of December 1898 of the Chief Justice of Samoa declaring Malietoa Tanumafili King of Samoa, which decision had been rejected by the Mataafa party, and that, therefore, the military action, if taken for that purpose, was not unwarranted—We have found nothing in the said General Act, or any subsequent agreement, which authorizes one of the Signatory Powers, or a majority of them, to take action to enforce the provisions of the Act, or the decisions of the Chief Justice binding on the Powers;

Whereas, on the contrary, by Art. I of the General Act it is expressly provided that " neither of the Powers shall exercise any separate control over the islands or the Government thereof ", and, taking into consideration the nature and extent of the operations at the time aforesaid conducted in Samoa by the British and American military authorities, the military action in question undoubtedly had the character of a serious control over the Samoan Islands and the Government thereof;

And whereas, moreover, the protocols of the Berlin Conference clearly show that, in framing the General Act, the plenipotentiaries of the Powers wished to establish the principle that, in their dealings with Samoa, the Powers only could proceed by common accord, and as this very principle has been sanctioned by the Powers not only in subsequent agreements supplementary to the General Act made between them in 1892 and 1896, by which it was agreed that under certain circumstances their ships of war might be used to support the Supreme Court of Samoa and ammunition served out to the Samoan Government, though in both cases only with the unanimous consent of the representatives of the Powers, but also in the instructions issued for the Joint Commission sent to Samoa in 1899, the actions of which should be valid only if acceded to by all three commissioners;

Whereas, furthermore, by proclamation issued on the 4:th of January 1899 the Consular Representatives of the Treaty Powers in Samoa, owing to the then disturbed state of affairs and to the urgent necessity to establish a strong Provisional Government, recognized the Mataafa party represented by the High Chief Mataafa and thirteen of his chiefs to be the Provisional Government of Samoa pending instructions from the three Treaty Powers, and thus those Powers were bound upon principles of international good faith to maintain the situation thereby created until by common accord they had otherwise decided;

And whereas, that being so, the military action in question undertaken by the British and American military authorities before the arrival of the instructions mentioned in the proclamation, and tending to overthrow the Provisional Government thereby established, was contrary to the aforesaid obligation and cannot be justified on the plea neither of the invalidity *ab initio* of the said Provisional Government nor of its establishment under a species of *force majeure;*

Whereas—with respect to the objection of the British and United States' Governments to the refusal of the German Consul to sign the proclamation proposed by the other Consuls to be issued immediately after the Chief Justice had given his decision on the 31:st of December 1898, and their contention that, in determining the responsibility for the subsequent events, it should be taken into consideration that the attitude of the German Consul was a direct violation of the provisions of the Berlin General Act—it cannot be considered to have been the duty of the German Consul to take part in the issuing of said proclamation, and it has not been proved that with regard to said decision any steps were taken by him contrary to the General Act, and therefore no responsibility attaches for the attitude taken up by him in this respect;

Whereas—with respect to the contention of the British and United States' Governments that, whether or not there was authority to insist by force on the acceptance of the provisions of the Berlin General Act, the military action was not unwarranted, because it was necessary for the protection of lives and property which it was the duty of the British and American officers to safeguard, and because the opening of fire on the 15:th of March was necessitated by the Mataafan warriors making a rush on the British and the United States' Consulates and by a threatened attack by several war canoes on Mulinuu, where a detachment from the British and American ships was stationed,—We have found nothing in the evidence before Us to show that the general condition of affairs was such as to render the military action necessary for the protection of lives and property, and, as to the said two attacks alleged to have taken place on the 15:th of March, it results from all the facts relative thereto that the rush was not, and never was meant to be, an attack on the Consulates but simply was directed against some fleeing women of the Malietoa party, that no attack was intended on Mulinuu by the canoes, which by the garrison there were seen putting out from the opposite shore of the Vaiusu bay and which were ordered by Mataafa to go along the coast to the west and, in fact, were going in that direction and not towards Mulinuu when the firing began, and that, on account of the state of the tide, it was not even possible at the time to pass the bay in canoes;

And whereas it is established not only that, on the arrival of the "Philadelphia" on the 6:th of March, the Malietoans were completely defeated, and deported to distant places, and deprived of their arms, and unable to offer any resistance whatever to the victorious Mataafans, but also that in the last days before the beginning of the bombardment Mataafa was ordered away from Mulinuu by the United States' Admiral, and that the Malietoans were brought back there by the British and United States' military authorities, that a considerable quantity of arms was returned to the Malietoans, which arms in the beginning of January 1899 had been surrendered by them to the Commander of the "Porpoise" when, defeated by the Mataafans, they had taken refuge under the guns of that ship, that ammunition was distributed to the Malietoans from the reserve stock which, according to the arrangement in 1896 between the Treaty Powers, was to be kept for the use of the Samoan Government and served out to the natives only by the unanimous request of the three consuls, and that such distribution was made by the British and American authorities without the consent of the German Consul;

And whereas it ought to have been foreseen that the said actions on the part of the British and American authorities, which cannot be considered to have been justified by any threatening attitude of the Mataafans, should exasperate these latter and greatly endanger the peace of the country and the situation created by the surrender of the Malietoans on the 2:nd of January and by the establishment of the Provisional Government, and, therefore, the British and United States' authorities ought to have abstained from such proceedings;

Whereas, with respect to the stopping of the street traffic, the measures relative thereto were in themselves contrary, as far as Germans were concerned, to the provisions of the Berlin General Act guaranteeing them the same rights of residence, trade, and personal protection as subjects and citizens of the two other Powers, and, at all events, those measures constituting only a detail of the military operations at the time, the question whether or not they were unwarranted under the circumstances depends on the same considerations as those which concern the military action in general;

Whereas the above considerations apply equally to all the claims before Us, whether presented under the Arbitration Convention itself or under the subsequent arrangement;

For these reasons,

We are of opinion—

That the military action in question, viz. the bringing back of the Malietoans and the distribution to them of arms and ammunition, the bombardment, the military operations on shore, and the stopping of the street traffic, cannot be considered as having been warranted;

And that, therefore, His Britannic Majesty's Government and the United States' Government are responsible under the Convention of the 7:th of November 1899 for losses caused by said military action;

While reserving for a future decision the question as to the extent to which the two Governments, or each of them, may be considered responsible for such losses.

In testimony whereof We have signed this present Decision and have ordered Our Royal Seal to be affixed hereunto. Done in triplicate at Our Royal Palace at Stockholm on the fourteenth day of October in the year of Our Lord one thousand nine hundred and two.

OSCAR. [L. S.]

1899.

CONVENTION TO ADJUST THE QUESTION BETWEEN THE UNITED STATES, GERMANY, AND GREAT BRITAIN IN RESPECT TO THE SAMOAN ISLANDS.

Concluded December 2, 1899; ratification advised by Senate January 16, 1900; ratified by the President February 13, 1900; ratifications exchanged February 16, 1900; proclaimed February 16, 1900.

ARTICLES.

I. General act and treaties annulled.
II. Reciprocal renunciations.
III. Commercial privileges.
IV. Ratifications.

The President of the United States of America, His Imperial Majesty the German Emperor, King of Prussia, and Her Majesty the

Queen of the United Kingdom of Great Britain and Ireland, Empress of India, desiring to adjust amicably the questions which have arisen between them in respect to the Samoan group of Islands, as well as to avoid all future misunderstanding in respect to their joint or several rights and claims of possession or jurisdiction therein, have agreed to establish and regulate the same by a special convention; and whereas the Governments of Germany and Great Britain have, with the concurrence of that of the United States, made an agreement regarding their respective rights and interests in the aforesaid group, the three Powers before named in furtherance of the ends above mentioned have appointed respectively their Plenipotentiaries as follows:

The President of the United States of Amercia, The Honorable John Hay, Secretary of State of the United States;

His Majesty the German Emperor, King of Prussia, His Ambassador Extraordinary and Plenipotentiary, Herr von Holleben; and

Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Right Honorable Lord Pauncefote of Preston, G. C. B., G. C. M. G., Her Britanic Majesty's Ambassador Extraordinary and Plenipotentiary:

who, after having communicated each to the other their respective full powers which were found to be in proper form, have agreed upon and concluded the following articles:

Article I.

The General Act concluded and signed by the aforesaid Powers at Berlin on the 14th day of June, A. D. 1889, and all previous treaties, conventions and agreements relating to Samoa, are annulled.

Article II.

Germany renounces in favor of the United States of America all her rights and claims over and in respect to the Island of Tutuila and all other islands of the Samoan group east of Longitude 171° west of Greenwich.

Great Britain in like manner renounces in favor of the United States of America all her rights and claims over and in respect to the Island of Tutuila and all other islands of the Samoan group east of Longitude 171° west of Greenwich.

Reciprocally, the United States of America renounce in favor of Germany all their rights and claims over and in respect to the Islands of Upolu and Savaii and all other Islands of the Samoan group west of Longitude 171° west of Greenwich.

Article III.

It is understood and agreed that each of the three signatory Powers shall continue to enjoy, in respect to their commerce and commercial vessels, in all the islands of the Samoan group privileges and conditions equal to those enjoyed by the sovereign Power, in all ports which may be open to the commerce of either of them.

ARTICLE IV.

The present Convention shall be ratified as soon as possible, and shall come into force immediately after the exchange of ratifications.

In faith whereof, we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in triplicate, at Washington, the second day of December, in the year of Our Lord one thousand eight hundred and ninety-nine.

JOHN HAY [SEAL.]
HOLLEBEN [SEAL.]
PAUNCEFOTE. [SEAL.]

SAN MARINO.

1906.

Extradition Treaty.

Signed January 10, 1906; ratification advised by the Senate April 17, 1908; ratified by the President May 7, 1908; ratifications exchanged June 8, 1908; proclaimed June 12, 1908.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Offense for which to be tried.
IV. Political offenses.
V. Nondelivery of citizens.
VI. Deferring extradition.
VII. Procedure.
VIII. Expenses.
IX. Limitations.
X. Property in possession of accused.
XI. Effect; ratification; duration.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF SAN MARINO FOR THE MUTUAL EXTRADITION OF FUGITIVE CRIMINALS.

The United States of America and the Republic of San Marino having judged it expedient with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offences hereinafter enumerated, and being fugitive from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose and have appointed as their Plenipotentiaries:

The President of the United States of America, His Excellency, Henry White, Ambassador Extraordinary and Plenipotentiary to the Kingdom of Italy;

The Captains-Regent of the Republic of San Marino, His Excellency, Senator Cavaliere Gaspare Finali, Cavaliere of the Supreme Order of the S. S. Annunziata, etc. etc. Political Counsellor of the Republic of San Marino:

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of San Marino mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offenses specified in the following article committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided,

that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

Article II.

Persons shall be delivered up who shall have been convicted of or be charged, according to the provisions of this convention, with any of the following crimes:

1. Murder, comprehending the crime of parricide, assassination, poisoning and infanticide.
2. The attempt to commit murder.
3. Rape, or attempt to commit rape. Bigamy. Abortion.
4. Arson.
5. Piracy, or mutiny on shipboard whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.
6. Larceny; the crime of burglary, defined to be the act of breaking and entering by night into the house of another with the intent to commit felony; and the crime of robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods by violence or putting him in fear; and the corresponding crimes punished by the penal code of San Marino under the description of thefts committed in an inhabited house by night, and by breaking in by climbing or forcibly, and thefts committed with violence or by means of threats.
7. The crime of forgery, by which is understood the utterance of forged papers, and also the counterfeiting of public, sovereign, or governmental acts.
8. The fabrication or circulation of counterfeit money either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank notes, obligations, or in general anything being a title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of State and public administrations, and the utterance thereof.
9. The embezzlement of public moneys committed within the jurisdiction of either party by public officers or depositaries.
10. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed, and the amount of money or the value of the property embezzled is not less than two hundred dollars or one thousand francs.
11. Wilful and unlawful destruction or obstruction of railroads which endangers human life.
12. Obtaining money, valuable securities or other property by false pretences, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained is not less than two hundred dollars or one thousand francs.
13. Kidnapping of minors.
14. Reception of articles obtained by means of one of the crimes or offences provided for by the present Convention.

Extradition may also be granted for the attempt to commit any of the crimes above enumerated when such attempt is punishable by the laws of both contracting parties.

ARTICLE III

A person surrendered under this Convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offence not provided for by the present Convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned.

He shall moreover not be tried or punished for any crime or offence provided for by this Convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article VII, of this convention.

The consent of that government shall likewise be required for the extradition of the accused to a third country; nevertheless, such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of one month above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in Article II, shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on account of a political crime or offence committed by him previously to his extradition or on account of an act connected with such a political crime or offence, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE VI.

If the person whose surrender may be claimed pursuant to the stipulations of the present treaty shall have been arrested for the commission of offences in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted or have served the term of imprisonment, to which he may have been sentenced.

ARTICLE VII.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these, from the country or its seat of government, they may be made by superior consular officers.

If the person, whose extradition may be asked for, shall have been convicted of a crime or offence, a copy of the sentence of the judicial authority, by whom he may have been convicted, authenticated under its seal, and attestation of the official character of the judge by the proper executive authority, and of the latter by the minister or consul of the United States or of San Marino respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid.

It shall be lawful for any competent judicial authority of the United States, upon production of a certificate issued by the Secretary of State stating that a request has been made by the Government of San Marino for the provisional arrest of a person convicted or accused of the commission therein of a crime or offence extraditable under the provisions of this convention, and upon complaint duly made that such crime or offence has been so committed, to issue his warrant for the apprehension of such person. But if the demand for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Government of San Marino will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure in conformity with law the provisional arrest of persons convicted or accused of the commission therein of crimes or offences extraditable under this Convention. But if the demand for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

ARTICLE VIII

The expenses of the arrest, detention, examination and delivery of fugitives under this convention shall be borne by the State, in whose name the extradition is sought; Provided, that the demanding Government shall not be compelled to bear any expense for the services of such officers of the government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officials as receive only fees shall not exceed the fees to which such officials are entitled under the laws of the country for services rendered in ordinary criminal proceedings.

Article IX

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Article X

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, or that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order, and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

Article XI

The present convention shall take effect thirty days after the exchange of ratifications and shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratification shall be exchanged at Rome as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles both in the English and Italian languages, and they have hereunto affixed their seals.

Done in duplicate, at Rome, Italy, this 10th day of January, 1906.

[L. S.] Henry White
[L. S.] Gaspare Finali

SARDINIA.

1838.[a]

Treaty of Commerce and Navigation.

Concluded November 26, 1838; ratification advised by the Senate March 2, 1839; ratified by the President March 8, 1839; ratifications exchanged March 18, 1839; proclaimed March 18, 1839.

Articles.

I. Commerce and navigation.
II. Vessels in ports.
III. Duties on imports.
IV. Article III, how applicable.
V. Duties on exports.
VI. Discrimination in duties.
VII. Coasting trade.
VIII. Purchase of articles of commerce.
IX. Most favored nation.
X. Most favored nation as to vessels.
XI. Shipwrecks.
XII. Asylum for vessels.
XIII. Blockaded ports.
XIV. Free passage from Genoa through Sardinia.
XV. Consuls.
XVI. Sardinian as consul.
XVII. Privilege of consuls.
XVIII. Disposal of property.
XIX. Duration.
XX. Ratification.

The United States of America and His Majesty the King of Sardinia, desirous of consolidating the relations of good understanding which have hitherto so happily subsisted between their respective States and of facilitating and extending the commercial intercourse between the two countries, have agreed to enter into negotiations for the conclusion of a treaty of commerce and navigation, for which purpose the President of the United States has conferred full powers on Nathaniel Niles, their Special Agent near His Sardinian Majesty, and His Majesty the King of Sardinia has conferred like powers on the Count Clement Solar de la Marguerite, Grand Cross of the Military and Religious Order of S. Maurice and S. Lazarus, of Isabella the Catholic of Spain, and Knight of the Order of Christ, his First Secretary of State for the Foreign Affairs;

And the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

Article I.

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States, shall mutually have liberty to enter the ports and commercial places of the territories of each party, wherever

[a] This treaty was superseded by the treaty of 1871 with Italy (p. 969), Sardinia having become merged into that Kingdom.

foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

ARTICLE II.

Sardinian vessels arriving either laden or in ballast in the ports of the United States of America, and reciprocally vessels of the United States arriving either laden or in ballast in the ports of the dominions of His Sardinian Majesty, shall be treated on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the fees and perquisites of public officers and other duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

ARTICLE III.

All kind of merchandise and articles of commerce either the produce of the soil or the industry of the United States of America or of any other country, which may be lawfully imported into the ports of the dominions of Sardinia in Sardinian vessels, may also be so imported in vessels of the United States of America without paying other or higher duties or charges of whatever kind or denomination levied in the name or to the profit of the Government, the local authorities or of any private establishment whatsoever, than if the same merchandise or produce had been imported in Sardinian vessels. And reciprocally all kind of merchandise and articles of commerce, either the produce of the soil, or of the industry of the dominions of Sardinia or of any other country, which may be lawfully imported into the ports of the United States, in vessels of the said States, may also be so imported in Sardinian vessels, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or produce had been imported in vessels of United States of America.

ARTICLE IV.

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Sardinian vessels and their cargoes arriving in the ports of the United States of America, and reciprocally to vessels of the said States and their cargoes arriving in the ports of the dominions of Sardinia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

ARTICLE V.

All kind of merchandise and articles of commerce, which may lawfully be exported from the ports of the United States of America in

national vessels, may also be exported therefrom in Sardinian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in vessels of the United States of America. And reciprocally all kind of merchandise and articles of commerce which may be lawfully exported from the ports of the Kingdom of Sardinia in national vessels may also be exported therefrom in vessels of the United States of America without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, than if the same merchandise or articles of commerce had been exported in Sardinian vessels.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Sardinia, and no higher or other duties shall be imposed on the importation into the Kingdom of Sardinia of any article the produce or manufacture of the United States, than are or shall be payable on the same article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce of or the manufacture of the United States or of Sardinia, to or from the ports of the United States, or to or from the ports of the Kingdom of Sardinia, which shall not equally extend to all other nations.

ARTICLE VII.

It is expressly understood and agreed that the preceding articles do not apply to the coastwise navigation of either of the two countries, which each of the two high contracting parties reserves exclusively to itself.

ARTICLE VIII.

No priority or preference shall be given directly or indirectly by either of the high contracting parties, nor by any company, corporation, or agent acting in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of, or in reference to, the character of the vessel, whether it be of the one party or the other, in which such article was imported, it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

ARTICLE IX.

If either party shall hereafter grant to any other nation any particular favor in commerce or navigation, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same or an equivalent compensation, when the grant is conditional.

ARTICLE X.

Vessels of either of the high contracting parties arriving on the coasts of the other, but without the intention to enter a port, or having entered not wishing to discharge the whole or any part of their cargoes, shall enjoy in this respect the same privileges and be treated in the same manner as the vessels of the most favored nations.

ARTICLE XI.

When any vessel belonging to either of the contracting parties or to their citizens or subjects, shall be wrecked, foundered, or otherwise, suffer damage on the coasts or within the dominions of the other, there shall be given to such vessel and all persons on board every aid and protection, in like manner as is usual and customary to vessels of the nation where such shipwreck or damage happens; and such shipwrecked vessel, its merchandise, and other effects, or their proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled to receive them, upon the payment of such costs of salvage as would have been paid by national vessels in the same circumstances.

ARTICLE XII.

Sardinian merchant-vessels being forced from stress of weather or other unavoidable causes to enter a port of the United States of America, and reciprocally merchant-vessels of the said States entering the ports of His Sardinian Majesty from similar causes, shall be exempt from port charges and all other duties levied to the profit of the Government, in case the causes which have rendered such entry necessary are real and evident, provided such vessel does not engage in any commercial operation while in port, such as loading and unloading merchandise, it being understood, nevertheless, that the unloading and reloading rendered necessary for the repair of the said vessel shall not be considered an act of commerce affording ground for the payment of duties, and provided also that the said vessel shall not prolong her stay in port beyond the time necessary for the repair of her damages.

ARTICLE XIII.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel, belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not however be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned during its voyage that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

ARTICLE XIV.

All articles of commerce the growth or manufacture of the United States of America, and the products of their fisheries, with the exception of salt, gunpowder, and tobacco manufactured for use, shall be permitted to pass in transitu from the free port of Genoa through the territories of His Sardinian Majesty to any point of the inland frontier of the said territories; and, vice versa, all articles of commerce coming from any one point of the Sardinian inland frontier, destined for the United States, shall be permitted to pass the territories of His Sardinian Majesty to the free port of Genoa without being liable to the payment of any duty whatever levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever, other than such as are required to meet the expenses of the necessary precautionary measures against smuggling, which precautionary measures to be observed in regard to transit to the frontier shall be the same whether the said articles of commerce are imported by the vessels of the one or of the other of the high contracting parties. But if peculiar circumstances or considerations should render the re-establishment of transit duties necessary on the said articles of commerce directed to any one point of the Sardinian frontier, the Sardinian Government, in reserving to itself the full right to establish such duty, engages to notify to the Government of the United States such determination six months before any such transit duty shall be exacted. It is also unders[t]ood that all articles of commerce imported directly from the United States of America shall be taken and considered as the products of the said States, and shall be entitled equally and in like manner, with the exceptions above mentioned in the present article, to a free transit through the territories of His Sardinian Majesty.

ARTICLE XV.

The two high contracting parties reciprocally grant to each other the liberty of having each in the ports and other commercial places of the other, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges, powers, and exemptions as those of the most favored nations. But if any of such Consuls shall exercise commerce, they shall be subjected to the same laws and usages to which the private individuals of their nation, or subjects or citizens of the most favored nations are subject in the same places, in respect to their commercial transactions.

ARTICLE XVI.

It is especially understood that whenever either of the two contracting parties shall select for a consular agent to reside in any port or commercial place of the other party a subject or citizen of this last, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a subject or citizen of the nation to which be belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions, or affect the inviolability of the consular archives.

Article XVII.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and emprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose, they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation thus substantiated, the surrender shall not be refused. Such deserters when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation or any other vessel whatsoever. But if not sent back within three months from the day of their arrest, they shall be set at liberty and shall not again be arrested for the same cause. If, however, the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case should be depending shall have pronounced its sentence and such sentence shall have been carried into execution.

Article XVIII.

The citizens and subjects of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and may take possession thereof either by themselves or by others acting for them and dispose of the same at will, paying such taxes and dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And, in case of the absence of the representatives, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawfull owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall finally be decided by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by the laws of the land descend on a citizen or subject of the other party who by reason of alienage may be incapable of holding it, he shall be allowed a reasonable time to sell such real estate, and to withdraw and export the proceeds without molestation and without paying to the profit of the respective Governments any other dues, taxes, or charges than those to which the inhabitants of the country wherein said real estate is situated shall be subject to pay in like cases.

ARTICLE XIX.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if, twelve months before the expiration of that period, neither of the high contracting parties shall have announced to the other by an official notification its intention to arrest the operation of the said treaty, it shall remain obligatory one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever is the time at which it may take place.

ARTICLE XX.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sardinia; and the ratifications shall be exchanged in the city of Washington within ten months from the date of the signature thereof, or sooner if possible.

In faith whereof the Plenipotentiaries of the contracting parties have signed the present treaty, and thereto affixed their respective seals.

Done at Genoa this 26th November, 1838.

[SEAL.] NATHANIEL NILES.
[SEAL.] SOLAR DE LA MARGUERITE.

SEPARATE ARTICLE.

Circumstances of a peculiar nature rendering it necessary for His Sardinian Majesty to continue for a time differential duties, to the disadvantage of foreign flags, on grain, olive-oil, and wine, imported directly from the Black Sea, the ports of the Adriatic, and of those of the Mediterranean, as far as Cape Trafalgar, notwithstanding the general provisions of the articles No. 2, 3, and 4 of the present treaty, it is distinctly understood and agreed by the high contracting parties, that the United States shall have full and entire liberty to establish countervailing differential duties on the same articles imported from the same places to the disadvantage of the Sardinian flag, in case the existing or any other differential duties on the said articles shall be continued in force, to the disadvantage of the flag of the United States of America, by His Sardinian Majesty, beyond a period of four years, counting from the day of the exchange of the ratifications of the present treaty and separate article, but all countervailing differential duties on the said articles shall cease to be exacted from the time the United States Government shall have been informed officially of the discontinuance or differential duties on the part of His Sardinian Majesty.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified in the same time.

In faith whereof we, the undersigned, by virtue of our full powers, have signed the present separate article, and thereto affixed our respective seals.

Done at Genoa the 26th November, 1838.

[SEAL.] NATHANIEL NILES.
[SEAL.] SOLAR DE LA MARGUERITE.

SAXONY.

(SEE GERMAN EMPIRE.)

1845.

Convention Abolishing Droit d'Aubaine and Emigration Taxes.

Concluded May 14, 1845; ratification advised by the Senate, with amendment, April 15, 1846; ratified by the President April 22, 1846; ratifications exchanged August 12, 1846; proclaimed September 9, 1846.

Articles.

I. Taxes abolished.
II. Disposal of real property.
III. Disposal of personal property.
IV. Protection of rights of absent heirs.
V. Suits.
VI. Extent of treaty provisions.
VII. Ratification.

The United States of America, on the one part, and His Majesty the King of Saxony, on the other part, being equally desirous of removing the restrictions which exist in their territories upon the acquisition and transfer of property by their respective citizens and subjects, have agreed to enter into negotiations for this purpose.

For the attainment of this desirable object, the President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of Prussia, and His Majesty the King of Saxony upon John DeMinckwitz, his Minister of State, Lieutenant-General, Envoy Extraordinary and Minister Plenipotentiary at the said Court;

Who, after having exchanged their said full powers, found in due and proper form, have agreed to the following articles:

Article I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished between the two contracting parties, their States, citizens, and subjects, respectively.

Article II.

Where, on the death of any person holding real property within the territories of one party, such real property would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, or where such real property has been devised by last will and testament to such citizen or subject, he shall be allowed a term of two years from the death of such person—which

term may be reasonably prolonged according to circumstances—to sell the same and to withdraw the proceeds thereof without molestation, and exempt from all duties of détraction on the part of the Government of the respective States.

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise; and their heirs, being citizens or subjects of the other contracting party, shall succeed to their said personal property, whether by testament or ab intestato, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken, provisionally, of such real or personal property as would be taken, in a like case, of the property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same, according to Article II, may take measures to receive or dispose of the inheritance.

ARTICLE V.

If any dispute should arise between the different claimants to the same inheritance, they shall be decided according to the laws and by the judges of the country where the property is situated.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited, devised, or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ARTICLE VII.

This convention shall be ratified by the President of the United States of America, by and with the advice and consent of their Senate, and by His Majesty the King of Saxony, and the ratifications shall be exchanged at Berlin within the term of eighteen months from the date of the signature, or sooner if possible.

In faith of which, the respective Plenipotentiaries have signed the above articles, both in German and English, and have thereto affixed their seals.

Done in triplicate, in the city of Berlin, on the 14th of May, in the year of our Lord one thousand eight hundred and forty-five, and the sixty-ninth of the Independence of the United States of America.

[SEAL.] HENRY WHEATON.
[SEAL.] MINCKWITZ.

SCHAUMBURG-LIPPE.

1854.

DECLARATION[a] OF ACCESSION TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION, AND TO ADDITIONAL ARTICLE THERETO OF NOVEMBER 16, 1852.

Dated June 7, 1854; proclaimed July 26, 1854.

Whereas a treaty for the reciprocal extradition of fugitive criminals, in special cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16th, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and has been ratified by the contracting Governments; and whereas, in the second article of the same, the United States of North America have declared that they agree that the stipulations of the aforesaid treaty shall be applicable to any other State of the Germanic Confederation which shall have subsequently declared its accession to the treaty: Now, therefore, in accordance therewith, the Government of His Serene Highness the Reigning Prince of Schaumburg-Lippe, hereby declares its accession to the aforesaid treaty of June 16th, 1852, which is, word for word, as follows:

[The original declaration here includes a copy in German and English of the treaty of June 16, 1852, and of the additional article thereto of November 16, 1852.]

and hereby expressly gives assurance that each and every article and stipulation of this treaty shall be faithfully observed and enforced within the territory of the Principality of Schaumburg-Lippe.

In testimony whereof, the Government of the Prince, in the name of His Serene Highness the Reigning Prince of Schaumburg-Lippe, has executed the present declaration of accession, and caused the seal of the Government to be thereunto affixed.

Done at Buckeburg, the seventh day of June, one thousand eight hundred and fifty-four.

The Government of the Prince of Schaumburg-Lippe.

[SEAL.]

V. SAUER.
WERNER.

[a] Translation.

SERVIA.

1881.

Convention of Commerce and Navigation.

Concluded October 14, 1881; ratification advised by the Senate July 5, 1882; ratified by the President July 14, 1882; ratifications exchanged November 15, 1882; proclaimed December 27, 1882.

Articles.

I. Freedom of commerce, navigation, and trade.
II. Rights of real and personal property.
III. Trade privileges.
IV. Exemptions, etc.
V. Prohibitions of imports, etc., restricted.
VI. Import and export duties.
VII. Freedom of imports.
VIII. Transit of goods.
IX. Ad valorem duties.
X. Exceptions of local traffic.
XI. Freight on railways.
XII. Trade-marks.
XIII. Shipping charges.
XIV. Duration.
XV. Ratification.

The United States of America and His Highness the Prince of Serbia, animated by the desire of facilitating and developing the commercial relations established between the two countries, have determined with this object to conclude a treaty, and have named as their respective plenipotentiaries, viz:

The United States of America, Eugene Schuyler, their chargé d'affaires and consul-general at Bucarest: His Highness the Prince of Serbia, Monsieur Ched. Mijatovitch, His Minister of Foreign Affairs, Grand Officer of His Order of Takova, &c., &c., &c.,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

There shall be reciprocally full and entire liberty of commerce and navigation between the citizens and subjects of the two high contracting powers, who shall be at liberty to establish themselves freely in each other's territory.

Citizens of the United States in Serbia and Serbian subjects in the United States shall reciprocally, on conforming to the laws of the country, be at liberty freely to enter, travel or reside in any part of the respective territories, to carry on their business, and shall enjoy in this respect for their persons and property the same protection as that enjoyed by natives or by the subjects of the most favored nation.

They shall be at liberty to exercise their industry and trade, both by wholesale and by retail, in the whole extent of both territories, without being subjected as to their persons or property, or with regard to the exercise of their trade or business, to any taxes, whether general or local, or to any imposts or conditions of any kind other or more onerous than those which are or may be imposed upon natives or upon the subjects of the most favored nation.

In like manner in all that relates to local taxes, customs, formalities, brokerage, patterns or samples introduced by commercial travelers, and all other matters connected with trade, citizens of the United States in Serbia and Serbian subjects in the United States shall enjoy the treatment of the most favored nation, and all the rights, privileges, exemptions and immunities of any kind enjoyed with respect to commerce and industry by the citizens or subjects of the high contracting parties, or which are or may be hereafter conceded to the subjects of any third power, shall be extended to the citizens or subjects of the other.

Article II.

In all that concerns the right of acquiring, or possessing or disposing of every kind of property, real or personal, citizens of the United States in Serbia and Serbian subjects in the United States, shall enjoy the rights which the respective laws grant or shall grant in each of these states to the subjects of the most favored nation.

Within these limits, and under the same conditions as the subjects of the most favored nation, they shall be at liberty to acquire and dispose of such property, whether by purchase, sale, donation, exchange, marriage contract, testament, inheritance, or in any other manner whatever, without being subject to any taxes, imposts or charges whatever, other or higher than those which are or shall be levied on natives or on the subjects of the most favored state.

They shall likewise be at liberty to export freely the proceeds of the sale of their property, and their goods in general, without being subjected to pay any other or higher duties than those payable under similar circumstances by natives or by the subjects of the most favored state.

Article III.

Merchants, manufacturers, and trades people in general of one of the two contracting countries traveling in the other, or sending thither their clerks and agents—whether with or without samples—in the exclusive interest of the commerce or industry that they carry on, and for the purpose of making purchases or sales or receiving commissions, shall be treated with regard to their licenses, as the merchants, manufacturers and trades people of the most favored nation.

It is understood, however, that the preceding stipulations do not affect in any way the laws and regulations in force in each of the two countries applicable to all foreigners as respects peddling and hawking.

The citizens and subjects of the Contracting Parties shall be reciprocally treated as the natives of the country or as the subjects of the most favored nation, when they shall go from one country to the other to visit fairs and markets for the purpose of exercising their commerce and selling their products.

No obstacle shall be placed in the way of the free movements of travelers, and the administrative formalities relative to traveling passports shall be restricted to the strict necessities of the public service on passing the frontiers.

ARTICLE IV.

Citizens of the United States in Serbia and Serbian subjects in the United States shall be reciprocally exempted from all personal service, whether in the army by land or by sea; whether in the national guard or militia; from billeting; from all contributions, whether pecuniary or in kind, destined as a compensation for personal service; from all forced loans, and from all military exactions or requisitions. The liabilities, however, arising out of the possession of real property and for military loans and requisitions to which all the natives might be called upon to contribute as proprietors of real property or as farmers, shall be excepted.

They shall be equally exempted from all obligatory official, judicial, administrative or municipal functions whatever.

They shall have reciprocally free access to the courts of justice on conforming to the laws of the country, both for the prosecution and for the defense of their rights in all the degrees of jurisdiction established by the laws. They can employ in every case advocates, lawyers and agents of all classes authorized by the law of the country, and shall enjoy in this respect, and as concerns domiciliary visits to their houses, manufactories, warehouses or shops, the same rights and advantages as are or shall be granted to the natives of the country, or to the subjects of the most favored nation.

It is understood that every favor or exemption which shall be subsequently granted in this matter to the subjects of a foreign country by one of the two contracting powers shall be immediately and by right extended to the citizens or subjects of the other party.

ARTICLE V.

Neither of the contracting parties shall establish a prohibition of importation, exportation or transit against the other which shall not be applicable at the same time to all other nations, except the special measures that the two countries reserve to themselves the right of establishing for a sanitary purpose, or in event of a war

ARTICLE VI.

As to the amount, the guarantee and the collection of duties on imports and exports, as well as regards transit, re-exportation, warehousing, local dues and custom-house formalities, each of the two high contracting parties binds itself to give to the other the advantage of every favor, privilege or diminution in the tariffs on the import or export of the articles mentioned or not in the present convention, that it shall have granted to a third power. Also every

favor or immunity which shall be later granted to a third power shall be immediately extended and without condition, and by this very fact to the other contracting party.

ARTICLE VII.

The products of the soil or of the industry of Serbia which shall be imported into the United States of America, and the products of the soil or of the industry of the United States which shall be imported into Serbia, and which shall be destined for consumption in the country, for warehousing, for re-exportation or for transit, shall be subjected to the same treatment, and shall not be liable to other or higher duties than the products of the most favored nation.

ARTICLE VIII.

Merchandise of every kind coming from one of the two territories or going thither shall be reciprocally exempted in the other, from every transit duty, whether it pass directly through the country, or whether during the transit it shall be unloaded, stored and reloaded without prejudice to the special regulations which, conformably to Article V., may be established concerning gunpowder and arms of war.

ARTICLE IX.

As concerns the custom-house laws and regulations on goods subjected to *ad valorem* duty, the importers and the products of one of the two countries shall be in all respects treated in the other as the importers and products of the most favored country.

ARTICLE X.

The provisions of the preceding articles relative to the treatment in all respects like the subjects of the most favored state shall not affect the special facilities which have been or may be hereafter conceded on the part of one of the two states to neighboring states with respect to the local traffic between the conterminous frontier districts.

ARTICLE XI.

It is agreed that, as regards freight and all other facilities, goods of the United States, conveyed over Serbian railways, and Serbian goods conveyed over railways of the United States, shall be treated in exactly the same manner as the goods of any other nation the most favored in that respect.

ARTICLE XII.

The high contracting parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens and subjects, agree that any counterfeiting in one of the two countries of the trade-marks affixed in the other on merchandise to show its origin and quality shall be strictly prohibited and repressed

and shall give ground for an action of damages in favor of the injured parties, to be prosecuted in the courts of the country in which the counterfeit shall be proven.

The trade-marks in which the citizens or subjects of one of the two countries may wish to secure the right of property in the other, must be registered exclusively, to wit: The marks of citizens of the United States in the Tribunal of Commerce at Belgrade, and the marks of Serbian subjects in the Patent Office at Washington, subject to the conditions and restrictions prescribed by the laws and regulations of the country in which the trade-marks are registered.

Article XIII.

Ships of the United States and their cargoes shall in Serbia, and Serbian ships and their cargoes shall in the United States, from whatsoever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as the ships and cargoes of the most favored state.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, harbors and rivers of the two countries, pilotage, and generally to all matters connected with navigation.

Every favor or exemption in these respects, or any other privilege in matters of navigation which either of the contracting parties shall grant to a third power shall be extended immediately and unconditionally to the other party.

Article XIV.

The present treaty shall remain in force for ten years from the day of the exchange of ratifications, and if twelve months before the expiration of that period neither of the high contracting parties shall have announced to the other its intention to terminate the said treaty, it shall remain obligatory until the expiration of one year from the day when either of the high contracting parties shall have denounced it.

The preceding stipulations shall come into force in the two countries one month after the exchange of ratifications.

Article XV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Highness the Prince of Serbia, and the ratifications shall be exchanged at Belgrade as soon as possible.

In faith whereof the plenipotentiaries of the two high contracting parties have signed the present treaty in duplicate in the English and Serbian languages, and thereto affixed their respective seals.

Done in duplicate at Belgrade this 2-14 day of October, 1881.

[SEAL.] EUGENE SCHUYLER.
[SEAL.] CH. MIJATOVICH.

1881.

Consular Convention.

Concluded October 14, 1881; ratification advised by the Senate July 5, 1882; ratified by the President July 14, 1882; ratifications exchanged November 15, 1882; proclaimed December 27, 1882.

Articles.

I. Consular officers.
II. Exequaturs.
III. Exemptions.
IV. Testimony by consular officers.
V. Arms and flag.
VI. Inviolability of archives and offices.
VII. Acting officers.
VIII. Vice-consuls and agents.
IX. Correspondence with authorities.
X. Notarial services.
XI. Estates of deceased persons.
XII. Surrender of certain privileges.
XIII. Duration; ratification.

The President of the United States of America and His Highness the Prince of Serbia, being mutually desirous of defining the rights, privileges and immunities of consular officers in the two countries, as well as their functions and obligations, have resolved to conclude a consular convention, and have accordingly named as their plenipotentiaries:

The President of the United States, Eugene Schuyler, chargé d'affaires and consul-general of the United States at Bucarest; His Highness the Prince of Serbia, Monsieur Ched. Mijatovitch, His Minister of Foreign Affairs, Grand Officer of His Order of Takova, &c., &c., &c.

Who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

Article I.

Each of the high contracting parties agrees to receive from the other consuls-general, consuls, vice-consuls and consular agents in all its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

Article II.

The consuls-general, consuls, vice-consuls and consular agents of the two high contracting parties shall enjoy reciprocally, in the states of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

ARTICLE III.

Consuls-general, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest, except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, imposed upon persons either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls or consular agents engaged in any profession, business or trade; but said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him and who is engaged in no commercial business, it shall request him, in writing, to appear before it; and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases, contemplated by the sixth article of the Amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office. A similar treatment shall also be extended to the consuls of the United States in Serbia, in the like cases.

ARTICLE V.

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States or of Serbia.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case

shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate.

Article VII

In the event of the death, incapacity or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington or to the Ministry of Foreign Affairs in Serbia, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

Article VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction.

These agents may be selected from among citizens of the United States or of Serbia, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Articles 3 and 4.

Article IX.

Consuls-general, consuls, vice consuls and consular agents shall have the right to address the administrative and judicial authorities, whether in the United States of the Union, the States or the municipalities, or in Serbia, of the State or the Commune, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Serbia, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

Article X.

Consuls-general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated, or to business to be transacted, in the territory of the nation to which the said consular officer may belong.

Such papers and official documents of every kind, whether in the original, in copies or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Serbia.

ARTICLE XI.

In the case of the death of any citizen of the United States in Serbia, or of a Serbian subject in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall give information of the circumstance to the consuls or consular agents of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to the parties interested.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to appear, personally or by delegate, in all proceedings on behalf of the absent or minor heirs or creditors until they are duly represented.

ARTICLE XII.

In consideration of the present convention the United States consent to surrender the privileges and immunities hitherto enjoyed by their citizens in Serbia, in virtue of the capitulations with the Ottoman Empire, granted and confirmed to the United States by their treaties of 1830 and 1862.

Provided always, and it is hereby agreed, that the said capitulations shall, as regards all judicial matters, except those affecting real estate in Serbia, remain in full force as far as they concern the mutual relations between citizens of the United States and the subjects of those other powers which, having a right to the privileges and immunities accorded by the aforesaid capitulations, shall not have abandoned them.

ARTICLE XIII.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Belgrade as soon as possible.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

In faith whereof, the respective plenipotentiaries have signed this convention in duplicate, and have hereunto affixed their seals.

Done at Belgrade this 2–14 day of October, 1881.

[SEAL.] EUGENE SCHUYLER.
[SEAL.] CH. MIJATOVICH.

1901.

Extradition Treaty.

Concluded October 25, 1901; ratification advised by Senate January 27, 1902; ratified by President March 7, 1902; ratifications exchanged May 13, 1902; proclaimed May 17, 1902.

Articles.

I. Delivery of accused.
II. Extraditable crimes.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitations.
VIII. Prior offenses.
IX. Property seized with fugitive.
X. Persons claimed by other countries.
XI. Expenses; duration; ratification.

The United States of America and His Majesty the King of Servia, being desirous to confirm their friendly relations and to promote the cause of Justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Servia, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Charles S. Francis, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of Servia.

His Majesty the King of Servia, M. Michel V. Vouïtch, President of His Council of Ministers, Minister for Foreign Affairs, Senator, Grand Officer of the Order of Milosh the Great, Grand Cross of the Order of Takovo, Officer of the Order of the White Eagle etc. etc., who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of Servia mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the high contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been committed there.

Article II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; manslaughter, when voluntary.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from person of another money or goods, by violence or putting him

in fear; burglary, defined to be the act of breaking, and entering by night, into the dwelling house of another, with intent to commit felony; housebreaking or shopbreaking.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of banknotes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals, dies or stamps of state; of postage and revenue stamps.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities or other property, knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received, is not less than two hundred dollars or one thousand francs in gold.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars or one thousand francs in gold.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

a. Piracy, by statute or by the law of nations.

b. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

c. Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

d. Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of the United States of America for the suppression of slavery and slave trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished in the United States as felony and in Servia as crime or offense as before specified.

Article III.

Requisitions for the surrender of fugitives from justice shall be made by the Governments of the high contracting parties through their diplomatic agents, or in the absence of such through their respective superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the Court in which he has been convicted, or if the fugitive is

merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in Servia, respectively, in conformity with the laws regulating extradition for the time being in force in the State on which the demand for surrender is made.

Article IV.

Where the arrest and detention of a fugitive in the United States are desired on telegraphic or other information in advance of the presentation of formal proofs, complaint on oath, as provided by the statutes of the United States, shall be made by an agent of the Government of Servia before a judge or other magistrate authorized to issue warrants of arrest in extradition cases.

In the Kingdom of Servia the diplomatic or consular officer of the United States shall apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of criminality, has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest and detention.

Article V.

Neither of the high contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

Article VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any questions shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the Government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

Article VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up to the Country making the demand, when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received: Provided, that the Government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this Treaty shall be borne by the State in whose name the extradition is sought: Provided, that the demanding Government shall not be compelled to bear any expense for the services of such public officers of the Government from which extradition is sought as receive a fixed salary; and, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications and shall not act retroactively.

The ratifications of the present Treaty shall be exchanged at Belgrade as soon as possible, and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Belgrade this twenty-fifth (twelfth) day of October in the year of our Lord one thousand nine hundred and one.

CHARLES S. FRANCIS. [SEAL.]
DR MICHEL VOUÏTCH [SEAL.]

SIAM.[a]

1833.

Convention of Amity and Commerce.

Concluded March 20, 1833; ratification advised by the Senate June 30, 1834; ratified by the President; ratifications exchanged April 14, 1836; proclaimed June 24, 1837.

Articles.

I. Peace.
II. Freedom of trade, etc.
III. Shipping duties in Siam.
IV. Most favored nation duties.
V. Shipwrecks.
VI. Settlement of debts.
VII. Trading in Siam.
VIII. Capture by pirates.
IX. Laws of Siam.
X. Consuls in Siam.

His Majesty the Sovereign and Magnificent King in the City of Sia-Yut'hia has appointed the Chau Phaya-Phra-klang, one of the first Ministers of State, to treat with Edmund Roberts, Minister of the United States of America, who has been sent by the Government thereof, on its behalf, to form a treaty of sincere friendship and entire good faith between the two nations. For this purpose, the Siamese and the citizens of the United States of America shall, with sincerity, hold commercial intercourse in the ports of their respective nations as long as heaven and earth shall endure.

This treaty is concluded on Wednesday, the last of the fourth month of the year 1194, called Pi-marông-chat-tava-sôk (or the year of the Dragon), corresponding to the twentieth day of March, in the year of our Lord 1833. One original is written in Siamese, the other in English; but as the Siamese are ignorant of English, and the Americans of Siamese, a Portuguese and a Chinese translation are annexed, to serve as testimony to the contents of the treaty. The writing is of the same tenor and date in all the languages aforesaid. It is signed, on the one part, with the name of the Chau P'haya-P'hra-klang, and sealed with the seal of the lotus flower, of glass; on the other part, it is signed with the name of Edmund Roberts, and sealed with a seal containing an eagle and stars.

One copy will be kept in Siam, and another will be taken by Edmund Roberts to the United States. If the Government of the United States shall ratify the said treaty and attach the seal of the Government, then Siam will also ratify it on its part, and attach the seal of its Government.

Article I.

There shall be a perpetual peace between the United States of America and the Magnificent King of Siam.

Article II.

The citizens of the United States shall have free liberty to enter all the ports of the Kingdom of Siam with their cargoes, of whatever

[a] The provisions of this treaty were modified by the Treaty of 1856.

kind the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the King, or others who may wish to purchase the same, or to barter the same for any produce or manufacture of the Kingdom, or other articles that may be found there. No prices shall be fixed by the officers of the King on the articles to be sold by the merchants of the United States, or the merchandise they may wish to buy, but the trade shall be free on both sides to sell or buy or exchange on the terms and for the prices the owners may think fit. Whenever the said citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports: *Provided always*, There be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import and sell munitions of war to any person excepting to the King, who, if he does not require, will not be bound to purchase them; neither is permission granted to import opium, which is contraband, or to export rice, which cannot be embarked as an article of commerce. These only are prohibited.

Article III.

Vessels of the United States entering any port within His Majesty's dominions, and selling or purchasing cargoes of merchandise, shall pay, in lieu of import and export duties, tonnage, license to trade, or any other charge whatever, a measurement duty only as follows: The measurement shall be made from side to side, in the middle of the vessel's length; and, if a single-decked vessel, on such single deck; if otherwise, on the lower deck. On every vessel, selling merchandise, the sum of one thousand seven hundred Ticals, or Bats, shall be paid for every Siamese fathom in breadth, so measured; the said fathom being computed to contain seventy-eight English or American inches, corresponding to ninety-six Siamese inches; but if the said vessel should come without merchandise, and purchase a cargo with specie only, she shall then pay the sum of fifteen hundred Ticals, or Bats, for each and every fathom before described. Furthermore, neither the aforesaid measurement duty, nor any other charge whatever, shall be paid by any vessel of the United States that enters a Siamese port for the purpose of refitting, or for refreshments, or to inquire the state of the market.

Article IV.

If hereafter the duties payable by foreign vessels be diminished in favor of any other nation, the same diminution shall be made in favor of the vessels of the United States.

Article V.

If any vessel of the United States shall suffer shipwreck on any part of the Magnificent King's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the King, until they shall find an opportunity to be returned to their country; and the property saved from such wreck shall be carefully preserved and restored to its owners; and the United States will repay all expenses incurred by His Majesty on account of such wreck.

Article VI.

If any citizen of the United States, coming to Siam for the purpose of trade, shall contract debts to any individual of Siam, or if any

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[a] Abolished by treaty of 1856.

individual of Siam shall contract debts to any citizen of the United States, the debtor shall be obliged to bring forward and sell all his goods to pay his debts therewith. When the product of such bona fide sale shall not suffice, he shall no longer be liable for the remainder, nor shall the creditor be able to retain him as a slave, imprison, flog, or otherwise punish him, to compel the payment of any balance remaining due, but shall leave him at perfect liberty.

ARTICLE VII.

Merchants of the United States coming to trade in the Kingdom of Siam, and wishing to rent houses therein, shall rent the King's factories, and pay the customary rent of the country. If the said merchants bring their goods on shore, the King's officers shall take account thereof, but shall not levy any duty thereupon.

ARTICLE VIII.

If any citizens of the United States, or their vessels, or other property, shall be taken by pirates and brought within the dominions of the Magnificent King, the persons shall be set at liberty, and the property restored to its owners.

ARTICLE IX.

Merchants of the United States trading in the Kingdom of Siam shall respect and follow the laws and customs of the country in all points.

ARTICLE X.

If hereafter any foreign nation other than the Portuguese shall request and obtain His Majesty's consent to the appointment of Consuls to reside in Siam, the United States shall be at liberty to appoint Consuls to reside in Siam, equally with such other foreign nation.

[SEAL.] EDMUND ROBERTS.

Whereas the undersigned, Edmund Roberts, a citizen of Portsmouth, in the State of New Hampshire, in the United States of America, being duly appointed an envoy, by letters-patent, under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the twenty-sixth day of January, A. D. 1832, for negotiating and concluding a treaty of amity and commerce between the United States of America and His Majesty the King of Siam:

Now know ye, that I, Edmund Roberts, Envoy as aforesaid, do conclude the foregoing treaty of amity and commerce, and every article and clause therein contained; reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at the royal city of Sia-Yuthia, (commonly called Bankok,) on the twentieth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States of America the fifty-seventh.

SEAL.] EDMUND ROBERTS.

1856.

Treaty of Amity and Commerce.

Concluded May 29, 1856; ratification advised by the Senate with amendment March 13, 1857; ratified by the President March 16, 1857; ratifications exchanged June 15, 1857; time for exchange of ratifications extended by the Senate June 15, 1858; proclaimed August 16, 1858.

Articles.

I. Amity; mutual assistance.
II. Consul at Bangkok; powers.
III. Offenses in Siam.
IV. Trade privileges in Siam.
V. Americans in Siam.
VI. Religious freedom, etc.
VII. Privileges to ships of war in Siam.
VIII. Duties; trade, etc.
IX. Treaty regulations.
X. Most favored nation privileges.
XI. Duration; revision.
XII. Ratification.

The President of the United-States of America, and their Majesties Phra-Bard, Somdetch, Phra-Paramendr, Maha, Mongkut, Phra, Chom, Klau, Chau, Yu, Hua, the first King of Siam, and Phra, Bard, Somdetch, Phra, Pawarendr, Ramesr, Mahiswaresr, Phra, Pin, Klau, Chau, Yu, Hua, the Second King of Siam, desiring to establish upon firm and lasting foundations the relations of peace and friendship existing between the two Countries, and to secure the best interest of their respective citizens and subjects by encouraging, facilitating and regulating their industry and trade have resolved to conclude a Treaty of Amity and Commerce for this purpose, and have therefore named as their Plenipotentiaries that is to say:

The President of the United States, Townsend Harris Esquire of New York, Consul-General of the United States of America for the Empire of Japan,

And their Majesties the First and Second Kings of Siam, His Royal Highness, the Prince Krom Hluang, Wongsa, Dhiraj, Snidh,

His Excellency Somdetch, Chau, Phaya, Param, Maha, Bijai, Neate,

His Excellency Chau, Phaya, Sri, Suriwongse, Samuha, Phra, Kralahom,

His Excellency Chau, Phaya, Rawe, Wongee, Maha, Kosa, Dhipade, the Phra Klang,

His Excellency Chau, Phaya, Yomray, the Lord Mayor.

who after having communicated to each other their respective full powers and found them to be in good and due form, have agreed upon and concluded the following articles:

Article I. There shall henceforward be perpetual peace and friendship, between the United States, and their Majesties the First and Second Kings of Siam and their successors,

All American Citizens coming to Siam, shall receive from the Siamese Government full protection and assistance, to enable them to reside in Siam, in all security, and trade with every facility free from oppression or injury on the part of the Siamese. In asmuch as Siam has no ships, trading to the ports of the United States, it is agreed that the ships of war of the United States shall render friendly aid and assistance to such Siamese vessels as they may meet on the high seas, so far as can be done, without a breach of neutrality and all American Consuls, residing at ports, visited by Siamese vessels, shall also give them such friendly aid, as may be permitted by the laws of the respective countries in which they reside.

ARTICLE II. The interests of all American Citizens, coming to Siam, shall be placed under the regulations and control of a Consul, who will be appointed to reside at Bangkok. He will himself conform to and will enforce the observance by American Citizens, of all the provisions of this Treaty, and such of the former Treaty, negotiated by Mr. Edmund Roberts in 1833, as shall still remain in operation. He shall also give effect to all rules and regulations as are now or may hereafter be enacted for the government of American citizens in Siam, the conduct of their trade, and for the prevention of violations of the laws of Siam. Any dispute arising between American Citizens and Siamese Subjects shall be heard and determined by the Consul in conjunction with the proper Siamese officers; and criminal offences will be punished in the case of American offenders, by the Consul, according to American laws, and in the case of Siamese offenders, by their own laws, through the Siamese Authorities. But the Consul shall not interfere in any matters, referring solely to Siamese, neither will the Siamese Authorities interfere in questions, which only concern the Citizens of the United States.

ARTICLE III. If Siamese in the employ of American Citizens, offend against the laws of their country, or if any Siamese having so offended, or desiring to desert, take refuge with American Citizens in Siam, they shall be searched for, and upon proof of their guilt or desertion, shall be delivered up, by the Consul, to the Siamese authorities. In like manner, any American Offenders, resident or trading in Siam, who may desert, escape to, or hide themselves in Siamese Territory, shall be apprehended and delivered over, to the American Consul on his requisition.

ARTICLE IV. American Citizens are permitted to trade freely in all the Sea-ports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this Treaty.

American citizens coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase land within a circuit of two hundred Seng (not more than four Miles English from the citywalls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But with the exception of this limitation, American Residents in Siam may at any time buy or rent houses, lands or plantations, situated anywhere within a distance of twenty four hours journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses, it will be necessary that the American Citizen shall, in the first place, make application through the Consul, to the proper Siamese Officer, and the Siamese Officer and the Consul having satisfied themselves of the honest intentions of the Applicant, will assist him in settling, upon equitable terms, the amount of the purchase money, will make out and fix the boundaries of the property, and will convey the same to the American Purchaser under sealed deeds, whereupon he and his property shall be placed under the protection of the Governor of the District, and that of the particular local Authorities: He shall conform in ordinary matters to any just direction given him by them, and will be subject to the same taxation, that is levied on Siamese subjects. But if, through negligence, the want of capital, or other cause, an American citizen should fail to commence the cultivation, or improvements of the lands so acquired, within a term of three

years from the date of receiving possession thereof, the Siamese government shall have the power of resuming the property, upon returning to the American Citizen the purchase money paid by him for the same.

ARTICLE V. All American Citizens, visiting, or residing, in Siam, shall be allowed the free exercise of their religion; and liberty to build places of worship, in such localities as shall be consented to by the Siamese Authorities. The Siamese Government will place no restriction upon the employment, by the Americans, of Siamese subjects as servants, or in any other capacity. But wherever a Siamese Subject belongs or owes service to some particular master, the servant who engages himself to an American citizen without the consent of his master may be reclaimed by him, and the Siamese Government will not enforce an agreement between an American Citizen and any Siamese in his employ, unless made with the knowledge and consent of the master, who has a right to dispose of the services of the person engaged.

ARTICLE VI. American ships of war may enter the river and anchor at Paknam; but they shall not proceed above Paknam unless with the consent of the Siamese authorities which shall be given where it is necessary that a ship, shall go into Dock for repairs. Any American ship of war, conveying to Siam a public functionary, accredited by the American Government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the forts called Phrachamit and Pit-pach-nuck, unless expressly permitted to do so by the Siamese Government. But in the absence of an American ship of war, the Siamese authorities engage to furnish the Consul, with a force sufficient to enable him to give effect to his authority over American Citizens and to enforce discipline among American shipping.

ARTICLE VII. The measurement duty hitherto paid by American vessels, trading to Bangkok, under the Treaty of 1833, shall be abolished from the date of this Treaty coming into operation, and American shipping or trade will thenceforth only be subject to the payment of Import and Export duties on the goods landed or shipped.[a]

On the articles of Import the duty shall be three per cent, payable at the option of the Importer, either in kind or money, calculated upon the market value of the goods. Drawback of the full amount of duty shall be allowed upon goods found unsaleable and reëxported. Should the American Merchant and the Custom house officers disagree as to the value to be set upon imported articles, such disputes shall be referred to the Consul and a proper Siamese Officer, who shall each have the power to call in an equal number of merchants as assessors, not exceeding two, on either side, to assist them in coming to an equitable decision.

Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be reëxported, and no impost or duty levied thereon. Any infringement of this regulation shall subject the Opium to seizure and confiscation.

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[a] See Treaty of 1833.

Articles of Export from the time of production to the date of shipment, shall pay one Impost only, whether this be levied under the name of Inland tax, Transit duty or duty on exportation. The tax or duty to be paid on each article of Siamese produce, previous to, or upon exportation, is specified in the Tariff attached to this treaty; and it is distinctly agreed, that goods or produce, that pay any description of tax in the Interior shall be exempted from any further payment of duty on exportation. American Merchants are to be allowed to purchase directly from the producer, the articles in which they trade and in like manner to sell their goods directly to the parties, wishing to purchase the same, without the interference in either case of any other person.

The rates of duty laid down in the Tariff attached to this treaty are those that are now paid upon goods or produce, shipped in Siamese or Chinese vessels or junks; and it is agreed that American shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to Siamese or Chinese vessels or junks.

American Citizens will be allowed to build ships in Siam, on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of Salt, Rice and Fish, the Siamese Government reserve to themselves, the right of prohibiting by public proclamation, the exportation of these articles, giving 30 days (say Thirty days) notice except in case of war.

Bullion or personal effects, may be imported or exported free of charge.

Article VIII. The code of Regulations appended to this Treaty shall be enforced by the Consul with the coöperation of the Siamese authorities, and they, the said Authorities and Consul shall be enabled to introduce any further Regulations which may be found necessary in order to give effect to the objects of this treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this Treaty shall be paid to the Siamese government.

Article IX. The American Government and its citizens, will be allowed free and equal participation in any privileges that may have been, or may hereafter be granted by the Siamese Government to the Government, Citizens or Subjects of any other nation.

Article X. After the lapse of ten years from the date of the ratification of this Treaty, upon the desire of either the American or Siamese Government, and on twelve months notice given by either Party, the present and such portions of the Treaty of 1833, as remain unrevoked by this Treaty, together with the Tariff and Regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by Commissioners appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

Article XI. This treaty executed in English and Siamese, both versions having the same meaning and intention shall take effect immediately and the ratifications of the same shall be exchanged at Bangkok, within eighteen months from the date thereof.

In witness whereof the abovenamed Plenipotentiaries have signed and sealed the present Treaty in triplicate at Bangkok, on the Twenty Ninth day of May in the Year One Thousand, Eight Hundred and

Fifty Six of the Christian Era and of the Independence of the United States the Eightieth, corresponding to the Tenth of the waning Moon of the lunar Month Wesakh or Sixth Month of the Year of the Quadruped Serpent of the Siamese civil Era, One Thousand Two hundred and Eighteen and the Sixth of the Reign of Their Majesties, the First and Second Kings of Siam.

[SEAL.]
TOWNSEND HARRIS.

[SEAL.]
SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

General Regulations, under which American Trade is to be conducted in Siam.

REGULATION [a] I. The master of every American ship, coming to Bangkok to trade, must either before or after entering the river, as may be found convenient, report the arrival of his vessel at the Custom-house at Paknam, together with the number of his crew and guns, and the Port, from whence he comes. Upon anchoring his vessel at Paknam, he will deliver into the custody of the custom-house Officers all his guns and ammunition, and a custom-house officer, will then be appointed to the vessel, and will proceed in her to Bangkok.

REGULATION II. A vessel passing Paknam, without discharging her guns and ammunition, as directed in the foregoing regulation, will be sent back to Paknam to comply with its provisions, and will be fined Eight-hundred ticals for having so disobeyed. After delivery of her guns and ammunition she will be permitted to return to Bangkok to trade.

REGULATION III. When an American vessel shall have cast anchor at Bangkok, the master, unless a sunday should intervene, will, within four and twenty hours after arrival, proceed to the American Consulate and deposit there his ship's papers, bills of lading &c, together with a true manifest of his Import Cargo; and upon the Consul's reporting these particulars to the custom-house permission to break bulk will at once be given by the latter.

For neglecting so to report his arrival, or for presenting a false manifest, the master will subject himself in each instance to a penalty of four hundred ticals; but he will be allowed to correct within twenty-four hours after delivery of it to the Consul, any mistake he may discover in his manifest, without incurring the above-mentioned penalty.

REGULATION IV. An American vessel, breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar, shall be subject to the penaltiy of eight-hundred ticals, and confiscation of the goods so smuggled or discharged.

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[a] This regulation was amended upon the proposition of Siamese Government, December 17, 1867.

REGULATION V. As soon as an American vessel shall have discharged her cargo, and completed her outward lading, paid all her duties and delivered a true manifest of her outward cargo to the American Consul, a Siamese port-clearance shall be granted her, on application from the Consul, who, in the absence of any legal impediment to her departure, will then return to the master his ship's papers, and allow the vessel to leave. A custom-house officer will accompany the vessel to Paknam, and on arriving there, she will be inspected by the Custom-house Officers of that Station, and will receive from them the guns and ammunition previously delivered into their charge.

REGULATION VI The American Plenipotentiary having no knowledge of the Siamese language, the Siamese Government, have agreed that the English text of these Regulations, together with the Treaty of which they form a portion, and the Tariff hereunto annexed, shall be accepted as conveying in every respect, their true meaning and intention.

REGULATION VII. All American citizens intending to reside in Siam shall be registered at the American consulate; they shall not go out to sea, nor proceed beyond the limits assigned by the Treaty for the residence of American citizens without a passport from the Siamese authorities, to be applied for by the American consul; nor shall they leave Siam if the Siamese authorities show to the American consul that legitimate objections exist to their quitting the country.—But within the limits appointed under Article IV of the treaty, American citizens are at liberty to travel to and fro under the protection of a pass to be furnished them by the American consul, and countersealed by the proper Siamese officer, stating in the Siamese character their names, calling, and description. The Siamese officers at the government stations in the interior may at any time call for the production of this pass; and immediately on its being exhibited, they must allow the parties to proceed; but it will be their duty to detain those persons who, by travelling without a pass from the consul, render themselves liable to the suspicion of their being deserters, and such detention shall be immediately reported to the consul.

[SEAL.] TOWNSEND HARRIS.
[SEALS.] SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

Tariff of Export and Inland Duties to be levied on articles of Trade.

SECTION I. The undermentioned articles shall be entirely free from Inland or other Taxes on production or transit, and shall pay export duty as follows:

	Tical.	Salung.	Fuang.	Hun.	
1. Ivory	10	0	0	0	per pecul.
2. Gamboge	6	0	0	0	"
3. Rhinoceros' horns	50	0	0	0	"
4. Cardamums, best	14	0	0	0	"
5. ditto, bastard	6	0	0	0	"
6. Dried mussels	1	0	0	0	"
7. Pelican's quills	2	2	0	0	"
8. Betel nut, dried	1	0	0	0	"
9. Krachi wood	0	2	0	0	"
10. Shark's fins, white	6	0	0	0	"
11. ditto black	3	0	0	0	"
12. Lukkrabau seed	0	2	0	0	"

	Tical.	Salung.	Fuang.	Hun.	
13. Peacocks' tails	10	0	0	0	per 100 tails.
14. Buffalo & cow bones	0	0	0	3	per pecul.
15. Rhinoceros' hides	0	2	0	0	"
16. Hide Cuttings	0	1	0	0	"
17. Turtle shells	1	0	0	0	"
18. Soft ditto	1	0	0	0	"
19. Bêche de mer	3	0	0	0	"
20. Fish maws	3	0	0	0	"
21. Bird's nests uncleaned	20 per cent.				
22. Kingfisher's feathers	6	0	0	0	per 100.
23. Cutch	0	2	0	0	per pecul.
24. Beyché seed (nux vomica)	0	2	0	0	"
25. Pungtarai seed	0	2	0	0	"
26. Gum Benjamin	4	0	0	0	"
27. Angrai bark	0	2	0	0	"
28. Agilla wood	2	0	0	0	"
29. Ray skins	3	0	0	0	"
30. Old deer's horns	0	1	0	0	"
31. Soft or young ditto	10 per cent.				
32. Deer hides fine	8	0	0	0	per 100 hides.
33. ditto common	3	0	0	0	"
34. Deer sinews	4	0	0	0	per pecul.
35. Buffalo & cow hides	1	0	0	0	"
36. Elephants' bones	1	0	0	0	"
37. Tiger's bones	5	0	0	0	"
38. Buffalo horns	0	1	0	0	"
39. Elephant's hides	0	1	0	0	"
40. Tiger's skins	0	1	0	0	per skin.
41. Armadillo skins	4	0	0	0	per pecul.
42. Sticklac	1	1	0	0	"
43. Hemp	1	2	0	0	"
44. Dried fish plaheng	1	2	0	0	"
45. ditto plasalit	1	0	0	0	"
46. Sapin wood	0	2	1	0	"
47. Salt meat	2	0	0	0	"
48. Mangrove bark	0	1	0	0	"
49. Rosewood	0	2	0	0	"
50. Ebony	1	1	0	0	"
51. Rice	4	0	0	0	per royan.

SECTION II. The undermentioned Articles, being subject to the Inland or Transit duties herein named, and which shall not be increased, shall be exempt from export duties.

	Tical.	Salung.	Fuang.	Hun.	
52. Sugar white	0	2	0	0	per pecul.
53. ditto red	0	1	0	0	"
54. Cotton cleaned & uncleaned	10 per cent.				
55. Pepper	1	0	0	0	"
56. Salt fish platu	1	0	0	0	per 10,000 fish.
57. Beans and Peas					One twelfth.
58. Dried Prawns					One twelfth.
59. Tilseed					One twelfth.
60. Silk raw					One twelfth.
61. Bee's-wax					One fifteenth.
62. Tallow	1	0	0	0	per pecul.
63. Salt	6	0	0	0	per royan.
64. Tobacco	1	2	0	0	per 1,000 bundles.

SECTION III. All goods or produce unenumerated in this Tariff shall be free of export duty, and shall only be subject to one Inland Tax or Transit duty, not exceeding the rate now paid.

[SEAL.] [SEALS.] TOWNSEND HARRIS.

SIGNATURES OF THE SIAMESE PLENIPOTENTIARIES.

1867.

MODIFICATION TO TREATY OF AMITY AND COMMERCE OF MAY 29, 1856.

Concluded December 17–31, 1867; ratification advised by Senate July 25, 1868; ratified by the President August 11, 1868.

No. 72.] UNITED STATES CONSULATE,
Bangkok, Decr. 31st, 1867.

To Hon. F. W. SEWARD,
Assistant Secretary of State,
Washington, D. C.

SIR: I have the honor to inform the Department that I have received a letter from His Excellency Chaw Phaya Praklang, Minister of Foreign Affairs, informing me that the Royal Counsellors for the Kingdom of Siam desire to change article first of the Treaty Regulations, and that the change shall go into effect on January 1st, 1868. The article alluded to is, as follows, viz:

"Every shipmaster upon anchoring his vessel at Paknam will deliver into the custody of the Custom house officers all his guns and ammunition, and a custom house officer will then be appointed to the vessel and will proceed in her to Bangkok."

The article as changed will require that the powder alone be left at Paknam but that the guns be allowed to remain in the vessel. I have given my assent to the change and all the other Consuls have done the same.

The change is a very advantageous one to shipmasters, as in shipping and reshipping of their guns, some of which were heavy, was attended with much delay and expense; whereas they generally have but a few pounds of powder on board, which can be boxed up and put ashore in a very short time.

I have the honor to be, sir, your obedient servant,

J. M. HOOD, *U. S. Consul.*

CHAW PHAYA PRANKLANG, MINISTER OF FOREIGN AFFAIRS OF THE KINGDOM OF SIAM.

To Mr. J. M. HOOD, *U. S. Consul.*

Saying:

That the Senabodee of the Kingdom of Siam have considered this matter, and have come to the conclusion—that as they saw that Siam was near the water and that trading ships could ascend to the city—for this reason they asked a clause in the treaties that all guns and powder should be landed at Paknam before the ship would ascend the river.

The Ministers Plenipotentiary also were of the same opinion and yielded this point to the Siamese in the treaties. When a vessel came in and the Chaw Pausknan at Paknam received the guns and powder off the vessel *that* [they] found it very difficult to take care of the powder and were afraid of an explosion, and for this reason they did not receive the powder from the vessel, but simply the guns. But now a long time since the Senabodee are of the opinion that the tak-

ing off of the guns at Paknam is a source of trouble to the vessels, for they took off guns belonging to many persons, and when the vessels come down again it was often after night, and when the captains went for their guns the wrong ones were frequently taken, and when the vessel coming afterwards could not find her own guns there was a fuss, and the Siamese officers had frequently to pay for the guns. Again the powder was left in the vessels and they coming up and anchoring in the river, there was danger of an explosion and injury to the citizens here.

Therefore the Senabodee have ordered me to write to all the Consuls and ask that the custom be changed—from January 1st, 1868. We ask to take out the powder of the vessels at Paknam, but the guns can be left in the vessels and need not be taken out. If you are also of the same opinion you will please inform masters of vessels and others under your protection to this effect. When the vessel comes to Paknam let them take out all the powder, but if they refuse to let the powder be taken out, and it remains in the vessel, and there arises any difficulty from that fact, we [beg to] claim indemnity according to the treaty.

Given Tuesday December 17th, 1867.

1884.

Agreement Regulating Liquor Traffic in Siam.

Concluded May 14, 1884; ratification advised by the Senate June 28, 1884; ratified by the President June 30, 1884; ratifications exchanged June 30, 1884; proclaimed July 5, 1884.

Articles.

I. Duties on liquors.
II. Testing of spirits.
III. Deleterious spirits.
IV. Licenses to sell.
V. Most favored nation privileges.
VI. Duration.
VII. Ratification, etc.

The Government of the United States of America and the Government of His Majesty the King of Siam, being desirous of making satisfactory arrangements for the regulation of the traffic in spirituous liquors in Siam, the Undersigned, duly authorized to that effect, have agreed as follows:—

Article I.

Spirits of all kinds not exceeding in alcoholic strength those permitted to be manufactured by the Siamese Government in Siam may be imported and sold by citizens of the United States on payment of the same duty as that levied by the Siamese excise laws upon spirits manufactured in Siam; and spirits exceeding in alcoholic strength spirits manufactured in Siam as aforesaid may be imported and sold upon payment of such duty, and of a proportionate additional duty for the excess of alcoholic strength above the Siamese Government standard.

Beer and wines may be imported and sold by citizens of the United States on payment of the same duty as that levied by the Siamese excise laws upon similar articles manufactured in Siam, but the duty on imported beer and wines shall in no case exceed 10 per cent. *ad valorem.*

The said duty on imported spirits, beer, and wines, shall be in substitution of, and not in addition to, the import duty of 3 per cent. leviable under the existing Treaties; and no further duty, tax, or imposition whatever shall be imposed on imported spirits, beer, and wines.

The scale of excise duty to be levied upon spirits, beer, and wines manufactured in Siam shall be communicated by the Siamese Government to the Minister Resident and Consul General of the United States at Bangkok, and no change in the excise duties shall affect citizens of the United States until after the expiration of six months from the date at which such notice shall have been communicated by the Siamese Government to the Representative of the United States at Bangkok.

ARTICLE II.

The testing of spirits imported into the kingdom of Siam by citizens of the United States shall be carried out by an expert designated by the Siamese authorities, and by an expert designated by the Consul of the United States; in case of difference the parties shall designate a third person, who shall act as umpire, whose decision shall be final.

ARTICLE III.

The Siamese Government may stop the importation by citizens of the United States into Siam of any spirits which, on examination, shall be proved to be deleterious to the public health; and they may give notice to the importers, consignees, or holders thereof to export the same within three months from the date of such notice, and if this is not done the Siamese Government may seize the said spirits and may destroy them, provided always that in all such cases the Siamese Government shall be bound to refund any duty which may have been already paid thereon.

The testing of spirits imported by citizens of the United States, and which may be alleged to be deleterious, shall be carried out in the manner provided by Article II.

The Siamese Government engage to take all necessary measures to prohibit and prevent the sale of spirits manufactured in Siam which may be deleterious to the public health.

ARTICLE IV.

Any citizen of the United States who desires to retail spirituous liquors, beer, or wines in Siam, must take out a special license for that purpose from the Siamese Government, which shall be granted upon just and reasonable conditions to be agreed upon from time to time between the two Governments.

ARTICLE V.

Citizens of the United States shall at all times enjoy the same rights and privileges in regard to the importation and sale of spirits, beer, wines, and spirituous liquors in Siam as the subjects of the most favored nation; and spirits, beer, wines, and spirituous liquors coming from the United States shall enjoy the same privileges in all respects as similar articles coming from any other country the most favored in this respect.

It is therefore clearly understood that citizens of the United States are not bound to conform to the provisions of the present agreement to any greater extent than the subjects of other nations are so bound.

ARTICLE VI.

Subject to the provisions of Article V, the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments and shall remain in force until the expiration of six months' notice given by either party to determine the same.

The existing treaty engagements between the United States and Siam shall continue in full force until the present Agreement comes into operation and after that date, except in so far as they are modified hereby.

Should the present Agreement be terminated, the Treaty engagements between the United States and Siam shall revive, and remain as they existed previously to the signature hereof.

ARTICLE VII.

In this agreement the words "citizen of the United States" shall include any naturalized citizen of the United States, and the words "Consul General of the United States" shall include any consular officer of the United States in Siam.

The present agreement shall be ratified, and its ratification shall be exchanged as soon as possible.

In witness whereof, the Undersigned have signed the same in duplicate, and have affixed thereto their seals.

Done at Washington, the fourteenth day of May 1884, corresponding to the fifth day of the waning moon of the month of Visagamas of the year Wauk Sixth Decade 1246 of the Siamese Astronomical Era.

FRED^K T. FRELINGHUYSEN [SEAL.]
NARÈS VARARIDDHI [SEAL.]

In the name of His Majesty Chulalonkorn I., King of Siam, and by His Royal Command and authority, I, Krom Mun Narès Vararidhi, His Majesty's duly empowered Envoy Extraordinary and Minister Plenipotentiary, hereby ratify and confirm the within Agreement and every part thereof.

Done at Washington this thirtieth day of June, 1884, being the eighth day of the waxing moon of the month Asalhamas of the year Wauk, sixth Decade 1246 of the Siamese astronomical era.

[SEAL.] NARÈS VARARIDDHI.

SPAIN.

Article XXIX of the treaty of friendship concluded July 3, 1902, page 1701, provides:

"All treaties, agreements, conventions and contracts between the United States and Spain prior to the treaty of Paris shall be expressly abrogated and annulled, with the exception of the treaty signed the seventeenth of February, 1834, between the two countries, for the settlement of claims between the United States of America and the Government of His Catholic Majesty, which is continued in force by the present convention."

1795.[a]

Treaty of Friendship, Boundaries, Commerce and Navigation.

Concluded October 27, 1795; ratification advised by the Senate March 3, 1796; ratifications exchanged April 25, 1796; proclaimed August 2, 1796.

Articles.

I. Amity.
II. Boundary line.
III. Commissioners and surveyors.
IV. Western boundary of the United States.
V. Conduct toward Indians.
VI. Protection of vessels.
VII. Embargo.
VIII. Asylum for vessels.
IX. Property taken from pirates.
X. Vessels wrecked.
XI. Disposition of property.
XII. Passports for vessels.
XIII. Time allowed merchants in war.
XIV. Privateers prohibited.
XV. Liberty of trade.
XVI. Contraband.
XVII. Sea letters.
XVIII. Search.
XIX. Consuls.
XX. Courts of justice.
XXI. Claims.
XXII. Deposit of goods at New Orleans.
XXIII. Ratification.

His Catholic Majesty and the United States of America, desiring to consolidate, on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to establish, by a convention, several points, the settlement whereof will be productive of general advantage and reciprocal utility to both nations.

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[a] Federal cases: The Nereide (9 Cranch, 388), The Pizarro (2 Wheat., 227), The Nuestra Señora de la Caridad (4 Wheat., 497), The Amiable Isabella (6 Wheat., 1), The Bello Corrunes (6 Wheat., 152), The Santissima Trinidad (7 Wheat., 283), Henderson *v.* Poindexter's Lessee (12 Wheat., 530), U. S. *v.* The Amistad (15 Pet., 518), Pollard *v.* Hagan (3 How., 212), Robinson *v.* Minor (10 How., 627), Le Tigre (3 Wash. C. C., 567), The Santissima Trinidad (1 Brock., 478).

With this intention, His Catholic Majesty has appointed the most excellent Lord Don Manuel de Godoy, and Alvarez de Faria, Rios, Sanchez, Zarzosa, Prince de la Paz, Duke de la Alcudia, Lord of the Soto de Roma, and of the State of Albalá, Grandee of Spain of the first class, perpetual Regidor of the city of Santiago, Knight of the illustrious Order of the Golden Fleece, and Great Cross of the Royal and distinguished Spanish Order of Charles the III, Commander of Valencia del Ventoso, Rivera, and Acenchal in that of Santiago; Knight and Great Cross of the religious Order of St. John; Counsellor of State; first Secretary of State and Despacho; Secretary to the Queen; Superintendent General of the Posts and Highways; Protector of the Royal Academy of the Noble Arts, and of the Royal Societies of Natural History, Botany, Chemistry, and Astronomy; Gentleman of the King's Chamber in employment; Captain General of his Armies; Inspector and Major of the Royal Corps of Body Guards, &a., &a., &a., and the President of the United States, with the advice and consent of their Senate, has appointed Thomas Pinckney, a citizen of the United States, and their Envoy Extraordinary to His Catholic Majesty. And the said Plenipotentiaries have agreed upon and concluded the following articles:

Article I.

There shall be a firm and inviolable peace and sincere friendship between His Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places.

Article II.[a]

To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit: The southern boundary of the United States, which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the River Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the River Apalachicola, or Catahouche, thence along the middle thereof to its junction with the Flint; thence straight to the head of St. Mary's River, and thence down the middle thereof to the Atlantic Ocean. And it is agreed that if there should be any troops, garrisons, or settlements of either party in the territory of the other, according to the above-mentioned boundaries, they shall be withdrawn from the said territory within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

Article III.[a]

In order to carry the preceding article into effect, one Commissioner and one Surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the

[a] These articles are annulled by Article XII of the Treaty of February 22, 1819.

River Mississippi, before the expiration of six months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said Commissioners and Surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of His Majesty's troops in the two Floridas, and the commanding officer of the troops of the United States in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article.

Article IV.[a]

It is likewise agreed that the western boundary of the United States which separates them from the Spanish colony of Louissiana, is in the middle of the channel or bed of the River Mississippi, from the northern boundary of the said States to the completion of the thirty-first degree of latitude north of the equator. And His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the United States, unless he should extend this privilege to the subjects of other Powers by special convention.

Article V.

The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the bet[t]er to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundaries: so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of His Catholic Majesty or his Indians, in any manner whatever.

And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance, or other whatever, (except treaties of peace,) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavour to make the advantages of the Indian trade common and mutual[l]y beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity; so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expence which they have hitherto occasioned.

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[a] This article is annulled by Article XII of the Treaty of February 22, 1819.

Article VI.

Each party shall endeavour, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the Power whose subjects have taken possession of the said effects.

Article VII.

And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever; and in all cases of seizure, detention, or arrest for debts contracted, or offences commit[t]ed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceeding usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, sollicitors, notaries, agents, and factors, as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials.

Article VIII.

In case the subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection, and help, and they shall be permitted to refresh and provide themselves at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

Article IX.

All ships and merchandize, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

Article X.

When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair should require that the whole or any part of the cargo be unladen, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

Article XI.

The citizens and subjects of each party shall have power to dispose of their personal goods, within the jurisdiction of the other, by testament, donation, or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases.

And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by being an alien, such subjects shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the Government of the respective States.

Article XII.

The merchant-ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports, but likewise certificates, expressly showing that her goods are not of the number of those which have been prohibited as contraband.

Article XIII.

For the bet[t]er promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants in the cities and towns where they shall live, for collecting and trans-

porting their goods and merchandizes: And if anything be taken from them or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the Government.

Article XIV.

No subject of His Catholic Majesty shall apply for, or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said United States, or against the citizens, people, or inhabitants of the said United States, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war.

Nor shall any citizen, subject, or inhabitant of the said United States apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of His Catholic Majesty, or the property of any of them, from any Prince or State with which the said King shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Article XV.[a]

It shall be lawful for all and singular the subjects of His Catholic Majesty, and the citizens, people, and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with His Catholic Majesty or the United States. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same Prince or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed that the same liberty be extended to persons who are on board a free ship, so that, although they be enemies to either party, they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

Article XVI.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only which are distinguished by the name of contraband; and under this name of contraband or pro-

[a] This article is amended by the XII article of the Treaty of February 22, 1819.

hibited goods, shall be comprehended arms, great guns, bombs, with the fuses, and other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, speards, halberds, mortars, petards, granades, salpetre, muskets, musket-balls, bucklers, helmets, breastplates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follows shall not be reckoned among contraband or prohibited goods: That is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing ap[p]arel, together with all species whereof they are used to be made; gold and silver, as well coined as uncoined, tin, iron, latton, copper, brass, coals, as also wheat, barley, oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts, and in general all provisions which serve for the sustenance of life. Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors; also ships' masts, planks, wood of all kind, and all other things proper either for building or repairing ships, and all other goods whatever which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less such as have been already wrought and made up for any other use; all which shall be whol[l]y reckoned among free goods, as likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the Power to whom the said ship of war belongs may pay for the articles so taken according to the price thereof, at the port to which they may appear to have been destined by the ship's papers: and the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries; that they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction.

Article XVII.

To the end that all manner of dissentions and quar[r]els may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in a war, the ships and vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of

the parties, which passport shall be made out and granted according to the form annexed to this treaty.[a] They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year.

It is likewise agreed, that such ships being laden, are to be provided not only with passports as above mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form. And if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so: Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, unless they shall give legal satisfaction of their property by testimony entirely equivalent.

Article XVIII.

If the ships of the said subjects, people, or inhabitants, of either of the parties shall be met with, either sailing along the coasts [or] on the high seas, by any ship of war of the other, or by any privateer,

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[a] The form of passport referred to in this article is not annexed either to the original treaty signed by the negotiators, or to the copy bearing the ratification of the King of Spain, on file in the Department of State. *See* The Amiable Isabella, (6 Wheaton's Rep., 1.) It is remarkable, however, that to the Spanish version of the treaty, in vol. 2, page 429, of "Coleccion de los Tratados de Paz," &c., published at Madrid in 1800, "de orden del Rey, en la imprenta real," there are annexed two forms in Spanish for passports; one for ships navigating European seas, the other for those navigating the American seas. These forms will be found in 6th Wheaton's Rep., 97 *et seq.* No explanation of these facts has ever been discovered.

[Private.]

GEORGETOWN (COL.) *3 Novr. 1814*

SIR: Averse to a correspondence with the writer of the enclosed letter, but willing to answer the object for public purposes, I take the liberty of doing it to you.

No form of a passport was annexed to the treaty with Spain, though referred to in one of the articles as annexed. To remedy this defect, the Secretary of State agreed with the Chevalier (now Marquis) Yrujo, Envoy of Spain, upon a form which has been constantly printed in the Spanish language, in the sea-letters issued to American vessels. It was closely translated from one of the other passports in the ordinary formulary, under the inspection of the Chevalier. From which of them I do not recollect—most probably it was from that contained in the treaty with Great Britain. My knowledge of the matter is the more certain from having had some agency in it.

I suppose there must be something in the correspondence of the Department of State *in perpetuam rei memoriam*, but as it passed about 18 years ago I cannot refer to it from memory.

Among the printed State-Papers I collected and had bound together, when employed in the Department of State, was a quarto volume, comprehending an official copy of the treaty as promulged by the Spanish Sovereign. If the volume remains in the office, it may be consulted with advantage, as it embraces a variety of passports prescribed in consequence of the treaty and probably adopts and sanctions the one agreed upon at Philadelphia, as above explained.

With great consideration, I remain, sir, your most obed. servant,

JACOB WAGNER.

JAMES MONROE, Esqr., *&c., &c., &c.*

the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon-shot, and may send their boats aboard the merchant-ship, which they shall so meet with, and may enter her to number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have shewed such passports, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner, or force her to quit her intended course.

Article XIX.

Consuls shall be reciprocally established, with the privileges and powers which those of the most favoured nations enjoy, in the ports, where their Consuls reside or are permitted to be.

Article XX.

It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country.

Article XXI.[a]

In order to terminate all differences on account of the losses sustained by the citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of Commissioners, to be appointed in the following manner. His Catholic Majesty shall name one Commissioner, and the President of the United States, by and with the advice and consent of their Senate, shall appoint another, and the said two Commissioners shall agree on the choice of a third, or if they cannot agree so, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot in the presence of the two original Commissioners, and the person whose name shall be so drawn shall be the third Commissioner; and the three Commissioners so appointed shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said Commissioners shall meet and sit at Philadelphia; and in the case of the death, sickness, or necessary absence of any such Commissioner, his place shall be supplied in the same manner as he was first appointed, and the new Commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and applications author-

[a] This article is annulled by Article XII of the Treaty of February 22, 1819.

ized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said Commissioners, or any two of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and His Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said Commissioners.

Article XXII.[a]

The two high contracting parties, hopping that the good correspondence and friendship which happily reigns between them will be further increased by this treaty, and that it will contribute to augment their prosperity and opulence, will in future give to their mutual commerce all the extension and favor which the advantage of both countries may require.

And in consequence of the stipulations contained in the IV article, His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandize and effects in the port of New-Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores; and His Majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them on another part of the banks of the Mississippi an equivalent establishment.

Article XXIII.

The present treaty shall not be in force untill ratified by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof we, the underwritten Plenipotentiaries of His Catholic Majesty and of the United States of America, have signed this present treaty of friendship, limits, and navigation, and have thereunto affixed our seals respectively.

Done at San Lorenzo el Real, this seven and twenty day of October, one thousand seven hundred and ninety-five.

[SEAL.] Thomas Pinckney.
[SEAL.] El Principe de la Paz.

The claims commission provided for in the foregoing treaty was duly appointed and met in Philadelphia, terminating their duties December 31, 1799, having made awards to the amount of $325,440.07½ on account of Spanish spoliations.

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[a] The second paragraph of this article is annulled by the XII article of the Treaty of February 22, 1819.

1802.[a]

Claims Convention.

Concluded August 11, 1802; ratification advised by the Senate January 9, 1804; ratified by the President January 9, 1804; ratifications exchanged December 21, 1818; proclaimed December 22, 1818.

His Catholic Majesty and the Government of the United States of America, wishing amicably to adjust the claims which have arisen from the excesses committed during the late war, by individuals of either nation, contrary to the laws of nations or the treaty existing between the two countries, His Catholic Majesty has given, for this purpose, full powers to His Excellency Dⁿ Pedro Cevallos, Councellor of State, Gentleman of the Bed-Chamber in employment, first Secretary of State and Universal Despatch, and Superintendent General of the Posts and Post-Offices in Spain and the Indies; and the Government of the United States of America to Charles Pinckney, a citizen of the said States, and their Minister Plenipotentiary near His Catholic Majesty; who have agreed as follows:

1st. A Board of Commissioners shall be formed, composed of five Commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the Government of the United States, and the fifth by common consent; and in case they should not be able to agree on a person for the fifth Commissioner, each party shall name one, and leave the decision to lot; and hereafter, in case of the death, sickness, or necessary absence of any of those already appointed, they shall proceed in the same manner to the appointment of persons to replace them.

2d. The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss, and decide on the claims, which they are to judge, according to the laws of nations and the existing treaty, and with the impartiality justice may dictate.

3rd. The Commissioners shall meet and hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all claims which, in consequence of this convention, may be made, as well by the subjects of His Catholic Majesty as by citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American citizens.

4th. The Commissioners are authorized, by the said contracting parties, to hear and examine, on oath, every question relative to the said demands, and to receive as worthy of credit all testimony the authenticity of which cannot reasonably be doubted.

5th. From the decisions of the Commissioners there shall be no appeal; and the agreement of three of them shall give full force and effect to their decisions, as well with respect to the justice of the claims as to the amount of the indemnification which may be adjudged to the claimants; the said contracting parties obliging them-

[a] This treaty annulled by Article X of the treaty of 1819. See also note in reference to all treaties with Spain, page 1640.

selves to satisfy the said awards in specie, without deduction, at the times and places pointed out, and under the conditions which may be expressed by the Board of Commissioners.

6th. It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above-mentioned Board of Commissioners should arbitrate the claims originating from the excesses of foreign cruisers, agents, Consuls, or tribunals in their respective territories, which might be imputable to their two Governments, they have expressly agreed that each Government shall reserve (as it does by this convention) to itself, its subjects or citizens respectively, all the rights which they now have, and under which they may hereafter bring forward their claims, at such times as may be most convenient to them.

7th. The present convention shall have no force or effect until it be ratified by the contracting parties, and the ratifications shall be exchanged as soon as possible.

In faith whereof we, the underwritten Plenipotentiaries, have signed this convention, and have affixed thereto our respective seals.

Done at Madrid this 11th day of August, 1802.

[SEAL.] PEDRO CEVALLOS.
[SEAL.] CHARLES PINCKNEY.

As the foregoing treaty was not proclaimed until December 22, 1818, and was annulled by Article X of the treaty of 1819, no action was taken under it.

1819.[a]

TREATY OF FRIENDSHIP, CESSION OF THE FLORIDAS, AND BOUNDARIES.

Concluded February 22, 1819; ratification advised by the Senate February 24, 1819; ratification advised again by the Senate February 19, 1821; ratified by the President February 22, 1821; ratifications exchanged February 22, 1821; proclaimed February 22, 1821.

ARTICLES.

I. Amity.
II. Cession of Floridas.
III. Boundary.
IV. Commissioner and surveyor.
V. Religious freedom.
VI. Inhabitants of ceded territory.
VII. Troops to be withdrawn.
VIII. Grants of land.
IX. Claims.
X. Convention of 1802 annulled.
XI. Payment of claims by United States.
XII. Treaty of 1795.
XIII. Deserters.
XIV. Compensation from France for claims.
XV. Spanish vessels in American ports.
XVI. Ratification.

The United States of America and His Catholic Majesty, desiring to consolidate, on a permanent basis, the friendship and good corre-

[a] See note as to all treaties with Spain, page 1640. Federal cases: Comegys *v.* Vasse (1 Pet., 193, 4 Wash. C. C., 570); American Ins. Co. *v.* Canter (1 Pet., 511); Foster *v.* Neilson (2 Pet., 253); U. S. *v.* Arredondo (6 Pet., 691); U. S. *v.* Percheman (7 Pet., 51); U. S. *v.* Clarke (8 Pet., 436, 9 Pet., 168, 16 Pet., 228); Mitchel *v.* U. S. (9 Pet., 711); U. S. *v.* Sibbald (10 Pet., 313; Smith *v.* U. S.

spondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate, with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the said United States; and His Catholic Majesty has appointed the Most Excellent Lord Don Luis De Onis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendée, Knight Pensioner of the Royal and Distinguished Spanish Order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of His Catholic Majesty; His Secretary, with Exercise of Decrees, and His Envoy Extraordinary and Minister Plenipotentiary near the United States of America;

And the said Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles:

Article I.

There shall be a firm and inviolable peace and sincere friendship between the United States and their citizens and His Catholic Majesty, his successors and subjects, without exception of persons or places.

Article II.

His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissaries or officers of the United States, duly authorized to receive them.

Article III.

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches,

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(10 Pet., 326); U. S. *v.* Mill's Heirs (12 Pet., 215); U. S. *v.* Kingsley (12 Pet., 476); Garcia *v.* Lee (12 Pet., 511); U. S. *v.* Wiggins (14 Pet., 334); Pollard *v.* Kibbe (14 Pet., 353); O'Hara *v.* U. S. (15 Pet., 275); U. S. *v.* Delespine (15 Pet., 319); U. S. *v.* The Amistad (15 Pet., 518); U. S. *v.* Breward (16 Pet., 143); U. S. *v.* Miranda (16 Pet., 153); U. S. *v.* Hanson (16 Pet., 196); U. S. *v.* Acosta (1 How., 24); Pollard *v.* Files (2 How., 591); Pollard *v.* Hagan (3 How., 212); Clark *v.* Braden (16 How., 635); Meade *v.* U. S. (9 Wall., 691; 2 Ct. Cl., 224); U. S. *v.* Lynde's Heirs (11 Wall., 632); U. S. *v.* Texas (162 U. S., 1); Gray *v.* U. S. (21 Ct. Cl., 340).

or Red River; then following the course to the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole being as laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818. But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea: All the islands in the Sabine, and the said Red and Arkansas Rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretensions, to the territories described by the said line, that is to say: The United States hereby cede to His Catholic Majesty, and renounce forever, all their rights, claims, and pretensions, to the territories lying west and south of the above-described line; and, in like manner, His Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line, and for himself, his heirs, and successors, renounces all claim to the said territories forever.

ARTICLE IV.

To fix this line with more precision, and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a Commissioner and a surveyor, who shall meet before the termination of one year from the date of the ratification of this treaty at Natchitoches, on the Red River, and proceed to run and mark the said line, from the mouth of the Sabine to the Red River, and from the Red River to the river Arkansas, and to ascertain the latitude of the source of the said river Arkansas, in conformity to what is above agreed upon and stipulated, and the line of latitude 42, to the South Sea; they shall make out plans, and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

ARTICLE V.

The inhabitants of the ceded territories shall be secured in the free exercise of their religion, without any restriction; and all those who may desire to remove to the Spanish dominions shall be permitted to sell or export their effects, at any time whatever, without being subject, in either case, to duties.

ARTICLE VI.

The inhabitants of the territories which His Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States, as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights, and immunities of the citizens of the United States.

ARTICLE VII.

The officers and troops of His Catholic Majesty, in the territories hereby ceded by him to the United States, shall be withdrawn, and possession of the places occupied by them shall be given within six months after the exchange of the ratifications of this treaty, or sooner if possible, by the officers of His Catholic Majesty, to the commissioners or officers of the United States duly appointed to receive them; and the United States shall furnish the transports and escort necessary to convey the Spanish officers and troops and their baggage to the Havana.

ARTICLE VIII.

All the grants of land made before the 24th of January, 1818, by His Catholic Majesty, or by his lawful authorities, in the said territories ceded by His Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of His Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation, and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of His Catholic Majesty, for the cession of the Floridas was made, are hereby declared and agreed to be null and void.

ARTICLE IX.

The two high contracting parties, animated with the most earnest desire of conciliation, and with the object of putting an end to all the differences which have existed between them, and of confirming the good understanding which they wish to be forever maintained between them, reciprocally renounce all claims for damages or injuries which they, themselves, as well as their respective citizens and subjects, may have suffered until the time of signing this treaty.

The renunciation of the United States will extend to all the injuries mentioned in the convention of the 11th of August, 1802.

2. To all claims on account of prizes made by French privateers, and condemned by French Consuls, within the territory and jurisdiction of Spain.

3. To all claims of indemnities on account of the suspension of the right of deposit at New Orleans in 1802.

4. To all claims of citizens of the United States upon the Government of Spain, arising from the unlawful seizures at sea, and in the ports and territories of Spain, or the Spanish colonies.

5. To all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the Minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

The renunciation of His Catholic Majesty extends—

1. To all the injuries mentioned in the convention of the 11th of August, 1802.

2. To the sums which His Catholic Majesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, that was fitted out and equipped at New York.

4. To all claims of Spanish subjects upon the Government of the United States arizing from unlawful seizures at sea, or within the ports and territorial jurisdiction of the United States.

Finally, to all the claims of subjects of His Catholic Majesty upon the Government of the United States in which the interposition of His Catholic Majesty's Government has been solicited, before the date of this treaty and since the date of the convention of 1802, or which may have been made to the department of foreign affairs of His Majesty, or to his Minister in the United States.

And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.

The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American Army in Florida.

Article X.

The convention entered into between the two Governments, on the 11th of August, 1802, the ratifications of which were exchanged the 21st December, 1818, is annulled.

Article XI.

The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three Commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and, within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. The said Commissioners shall take an oath or affirmation, to be entered on the record of their pro-

ceedings, for the faithful and diligent discharge of their duties; and, in case of the death, sickness, or necessary absence of any such Commissioner, his place may be supplied by the appointment, as aforesaid, or by the President of the United States, during the recess of the Senate, of another Commissioner in his stead. The said Commissioners shall be authorized to hear and examine, on oath, every question relative to the said claims, and to receive all suitable authentic testimony concerning the same. And the Spanish Government shall furnish all such documents and elucidations as may be in their possession, for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795; the said documents to be specified, when demanded, at the instance of the said Commissioners.

The payment of such claims as may be admitted and adjusted by said Commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States, either immediately at their Treasury, or by the creation of stock, bearing an interest of six per cent. per annum, payable from the proceeds of sales of public lands within the territories hereby ceded to the United States, or in such other manner as the Congress of the United States may prescribe by law.

The records of the proceedings of the said Commissioners, together with the vouchers and documents produced before them, relative to the claims to be adjusted and decided upon by them, shall, after the close of their transactions, be deposited in the Department of State of the United States; and copies of them, or any part of them, shall be furnished to the Spanish Government, if required, at the demand of the Spanish Minister in the United States.

Article XII.

The treaty of limits and navigation, of 1795, remains confirmed in all and each one of its articles excepting the 2, 3, 4, 21, and the second clause of the 22 article, which, having been altered by this treaty, or having received their entire execution, are no longer valid.

With respect to the 15th article of the same treaty of friendship, limits, and navigation of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree that this shall be so understood with respect to those Powers who recognize this principle; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property of enemies whose Government acknowledge this principle, and not of others.

Article XIII.

Both contracting parties, wishing to favour their mutual commerce, by affording in their ports every necessary assistance to their respective merchant-vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up, at the instance of the Consul, who shall prove, nevertheless, that the deserters belonged to the vessels that claimed them, exhibiting the document that is customary in their nation: that is to say, the

American Consul in a Spanish port shall exhibit the document known by the name of articles, and the Spanish Consul in American ports the roll of the vessel; and if the name of the deserter or deserters who are claimed shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong.

Article XIV.

The United States hereby certify that they have not received any compensation from France for the injuries they suffered from her privateers, Consuls, and tribunals on the coasts and in the ports of Spain, for the satisfaction of which provision is made by this treaty; and they will present an authentic statement of the prizes made, and of their true value, that Spain may avail herself of the same in such manner as she may deem just and proper.

Article XV.

The United States, to give to His Catholic Majesty a proof of their desire to cement the relations of amity subsisting between the two nations, and to favour the commerce of the subjects of His Catholic Majesty, agree that Spanish vessels, coming laden only with productions of Spanish growth or manufactures, directly from the ports of Spain, or of her colonies, shall be admitted, for the term of twelve years, to the ports of Pensacola and St. Augustine, in the Floridas, without paying other or higher duties on their cargoes, or of tonnage, than will be paid by the vessels of the United States. During the said term no other nation shall enjoy the same privileges within the ceded territories. The twelve years shall commence three months after the exchange of the ratifications of this treaty.

Article XVI.

The present treaty shall be ratified in due form, by the contracting parties, and the ratifications shall be exchanged in six months from this time, or sooner if possible.

In witness whereof we, the underwritten Plenipotentiaries of the United States of America and of His Catholic Majesty, have signed, by virtue of our powers, the present treaty of amity, settlement, and limits, and have thereunto affixed our seals, respectively.

Done at Washington this twenty-second day of February, one thousand eight hundred and nineteen.

[SEAL.] John Quincy Adams.
[SEAL.] Luis de Onis.

RATIFICATION [a] BY HIS CATHOLIC MAJESTY, ON THE TWENTY-FOURTH DAY OF OCTOBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY.

Ferdinand the Seventh, by the Grace of God and by the constitution of the Spanish monarchy, King of the Spains.

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[a] Translation.

Whereas on the twenty-second day of February, of the year one thousand eight hundred and nineteen last past, a treaty was concluded and signed in the city of Washington, between Don Luis de Onis, my Envoy Extraordinary and Minister Plenipotentiary, and John Quincy Adams, Esquire, Secretary of State of the United States of America, competently authorized by both parties, consisting of sixteen articles, which had for their object the arrangement of differences and of limits between both Governments and their respective territories, which are of the following form and literal tenor:

[Here follows the above treaty, word for word.]

Therefore, having seen and examined the sixteen articles aforesaid, and having first obtained the consent and authority of the General Cortes of the nation with respect to the cession mentioned and stipulated in the 2d and 3d articles, I approve and ratify all and every one of the articles referred to, and the clauses which are contained in them; and, in virtue of these presents, I approve and ratify them; promising, on the faith and word of a King, to execute and observe them, and to cause them to be executed and observed entirely as if I myself had signed them; and that the circumstance of having exceeded the term of six months, fixed for the exchange of the ratifications in the 16th article, may afford no obstacle in any manner, it is my deliberate will that the present ratification be as valid and firm, and produce the same effects, as if it had been done within the determined period. Desirous at the same time of avoiding any doubt or ambiguity concerning the meaning of the 8th article of the said treaty, in respect to the date which is pointed out in it as the period for the confirmation of the grants of lands in the Floridas, made by me, or by the competent authorities in my royal name, which date was fixed in the positive understanding of the three grants of land made in favor of the Duke of Alagon, the Count of Puñonrostro, and Don Pedro de Vargas, being annulled by its tenor, I think proper to declare that the said three grants have remained and do remain entirely annulled and invalid; and that neither the three individuals mentioned, nor those who may have title or interest through them, can avail themselves of the said grants at any time, or in any manner; under which explicit declaration the said 8th article is to be understood as ratified. In the faith of all which I have commanded the issuance of these presents. Signed by my hand, sealed with my secret seal, and countersigned by the underwritten my Secretary of the Department of State.

Given at Madrid, the twenty-fourth of October, one thousand eight hundred and twenty.

FERNANDO.

EVARISTO PEREZ DE CASTRO.

[Copies of the grants annulled by the foregoing treaty will be found in 8 Statutes at Large, page 267.]

The claims commission under the treaty which was authorized by the act of March 3, 1821, met in Washington June 9, 1824. The awards amounted to $5,454,545.13, which, in accordance with the treaty provisions, was scaled down to $5,000,000.

1834.

Claims Convention.[a]

Concluded February 17, 1834; ratification advised by the Senate May 13, 1834; ratifications exchanged August 14, 1834; proclaimed November 1, 1834.

Articles.

I. Indemnity to United States.
II. Payment of interest.
III. Claims renounced.
IV. List of claims.
V. Ratification.

The Government of the United States of America and Her Majesty the Queen Regent, Governess of Spain during the minority of her august daughter, Her Catholick Majesty Donna Ysabel the 2d, from a desire of adjusting by a definitive arrangement the claims preferred by each party against the other, and thus removing all grounds of disagreement, as also of strengthening the ties of friendship and good understanding which happily subsist between the two nations, have appointed for this purpose, as their respective Plenipotentiaries, namely:

The President of the United States, Cornelius P. Van Ness, a citizen of the said States, and their Envoy Extraordinary and Minister Plenipotentiary near Her Catholick Majesty Donna Ysabel the 2d; and Her Majesty the Queen Regent, in the name and behalf of Her Catholick Majesty Donna Ysabel the 2d, His Excellency Don José de Heredia, Knight Grand Cross of the Royal American Order of Ysabel the Catholick, one of Her Majesty's Supreme Council of Finance, ex-Envoy Extraordinary and Minister Plenipotentiary, and President of the Royal Junta of Appeals of Credits against France;

Who, after having exchanged their respective full powers, have agreed upon the following articles:

Article I.

Her Majesty the Queen Regent and Governess, in the name and in behalf of Her Catholick Majesty Donna Ysabel the 2d, engages to pay to the United States, as the balance on account of the claims aforesaid, the sum of twelve millions of rials vellon, in one or several inscriptions, as preferred by the Government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of five per cent. per annum. Said inscription or inscriptions shall be issued in conformity with the model or form annexed to this convention, and shall be delivered in Madrid to such person or persons as may be authorized by the Government of the United States to receive them, within four months after the exchange of the ratifications. And said inscriptions, or the proceeds thereof, shall be distributed by the Government of the United States among the claimants entitled thereto, in such manner as it may deem just and equitable.

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[a] Note as to treaties with Spain, page 1640.

ARTICLE II.

The interest of the aforesaid inscription or inscriptions shall be paid in Paris every six months, and the first half-yearly payment is to be made six months after the exchange of the ratifications of this convention.

ARTICLE III.

The high contracting parties, in virtue of the stipulation contained in article first, reciprocally renounce, release, and cancel all claims which either may have upon the other, of whatever class, denomination, or origin they may be, from the twenty-second of February, one thousand eight hundred and nineteen, untill the time of signing this convention.

ARTICLE IV.

On the request of the Minister Plenipotentiary of Her Catholick Majesty at Washington, the Government of the United States will deliver to him, in six months after the exchange of the ratifications of this convention, a note or list of the claims of American citizens against the Government of Spain, specifying their amounts respectively, and three years afterwards, or sooner if possible, authentic copies of all the documents upon which they may have been founded.

ARTICLE V.

This convention shall be ratified, and the ratifications shall be exchanged, in Madrid, in six months from this time, or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed these articles, and affixed thereto their séals.

Done in triplicate at Madrid, this seventeenth day of February, one thousand eight hundred and thirty-four.

[SEAL.] C. P. VAN NESS.
[SEAL.] JOSÉ DE HEREDIA.

The following is the form, or model, of the inscription:

No. Cupon de pesos fuertes de renta pagadero en de de 183 Cupon No. 1°.	Renta perpetua de España, pagadera en Paris á razon de 5 p. 0-0 al año, inscrita en el gran libro de la Deuda consolidada. Esta Inscripcion se expide á consecuencia de un convenio celebrado en Madrid en de de entre S. M. Catolica la Reyna de España y los Estados Unidos de America, para el pago de las reclamaciones de los ciudadanos de dichos Estados. Inscripcion No. *Capital.* Pesos fuertes ó sean francos — *Renta.* Pesos fuertes ó sean francos El portador de la presente tiene derecho á una renta anual de pesos fuertes, ó sea de francos, pagaderos en Paris por semestres, en los dias de y de por los banqueros de España en aquella capital, á razon de 5 francos y 40 centimos por peso fuerte, con arreglo al Rl. decreto de 15 de Diciembre de 1825. Consigmiente al mismo real decreto se destina cada aña á la amortizacion de esta renta uno por ciento de su valor nominal, á interes compuesto, cuyo importe sera empleado en su amortizacion periodica al curso corriente por dichos banqueros.—*Madrid,* de de *El Secretario de Estado y del Despacho de Hacienda.* *El Director de la Rl. Caja de Amortizacion.*

In witness whereof we, the undersigned Plenipotentiaries of H. Catholic M. the Queen of Spain and of the United States of America, have signed this model, and have affixed thereunto our seals.

Done at Madrid, this day of

[SEAL.] José de Heredia.
[SEAL.] C. P. Van Ness.

The commission to determine the claims under this convention met in Washington and adjourned January 31, 1838, awarding $549,850.28 to the claimants. The payment of the interest is made perpetual by the convention.

1871.[a]

Agreement for Settlement of Certain Claims of Citizens of the United States on Account of Wrongs and Injuries Committed by Authorities of Spain in the Island of Cuba.

Concluded at Madrid February 11–12, 1871.

Legation of the United States,
Madrid, February 11th, 1871.

Sir: I have the honor to receive the note of to-day's date addressed to me by your excellency, proposing certain modifications of the plan

[a] Note as to treaties with Spain, page 1640.

of arrangement submitted to you on the 7th instant, for the adjustment of the reclamations made by my Government against that of Spain. I take much pleasure in stating that the changes suggested in the memorandum inclosed in your note have my entire concurrence, and have been duly embodied in the following record of the basis upon which we have agreed.

Memorandum of an arbitration for the settlement of the claims of citizens of the United States, or of their heirs, against the Government of Spain for wrongs and injuries committed against their persons and property, or against the persons and property of citizens of whom the said heirs are the legal representatives, by the authorities of Spain in the island of Cuba or within the maritime jurisdiction thereof, since the commencement of the present insurrection.

1. It is agreed that all such claims shall be submitted to arbitrators, one to be appointed by the Secretary of State of the United States, another by the Envoy Extraordinary and Minister Plenipotentiary of Spain at Washington, and these two to name an umpire who shall decide all questions upon which they shall be unable to agree; and in case the place of either arbitrator or of the umpire shall from any cause become vacant, such vacancy shall be filled forthwith in the manner herein provided for the original appointment.

2. The arbitrators and umpire so named shall meet at Washington within one month from the date of their appointment and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially hear and determine, to the best of their judgment and according to public law, and the treaties in force between the two countries, and these present stipulations, all such claims as shall, in conformity with this agreement, be laid before them on the part of the Government of the United States; and such declaration shall be entered upon the record of their proceedings.

3. Each Government may name an advocate to appear before the arbitrators or the umpire, to represent the interests of the parties respectively.

4. The arbitrators shall have full power, subject to these stipulations, and it shall be their duty before proceeding with the hearing and decision of any case, to make and publish convenient rules prescribing the time and manner of the presentation of claims and of the proof thereof; and any disagreement with reference to the said rules of proceeding shall be decided by the umpire. It is understood that a reasonable period shall be allowed for the presentation of the proofs; that all claims and the testimony in favor of them shall be presented only through the Government of the United States; that the award made in each case shall be in writing and, if indemnity be given, the sum to be paid shall be expressed in the gold coin of the United States.

5. The arbitrators shall have jurisdiction of all claims presented to them by the Government of the United States for injuries done to citizens of the United States by the authorities of Spain in Cuba since the first day of October, 1868. Adjudications of the tribunals in Cuba, concerning citizens of the United States, made in the absence of the parties interested, or in violation of international law, or of the guarantees and forms provided for in the treaty of October 27, 1795,

between the United States and Spain, may be reviewed by the arbitrators, who shall make such award in any such case as they shall deem just. No judgment of a Spanish tribunal, disallowing the affirmation, of a party that he is a citizen of the United States shall prevent the arbitrators from hearing a reclamation presented in behalf of said party by the United States Government. Nevertheless, in any case heard by the arbitrators, the Spanish Government may traverse the allegation of American citizenship and thereupon competent and sufficient proof thereof will be required. The commission having recognized the quality of American citizens in the claimants, they will acquire the rights accorded to them by the present stipulations as such citizens. And it is further agreed that the arbitrators shall not have jurisdiction of any reclamation made in behalf of a native-born Spanish subject naturalized in the United States if it shall appear, that the same subject-matter having been adjudicated by a competent tribunal in Cuba and the claimant, having appeared therein, either in person or by his duly appointed attorney and being required by the laws of Spain to make a declaration of his nationality, failed to declare that he was a citizen of the United States; in such case and for the purposes of this arbitration, it shall be deemed and taken that the claimant, by his own default, had renounced his allegiance to the United States. And it is further agreed that the arbitrators shall not have jurisdiction of any demands growing out of contracts.

6. The expenses of the arbitration will be defrayed by a percentage to be added to the amount awarded. The compensation of the arbitrators and umpire shall not exceed three thousand dollars each; the same allowance shall be made to each of the two advocates representing respectively the two Governments; and the arbitrators may employ a secretary at a compensation not exceeding the sum of five dollars a day for every day actually and necessarily given to the business of the arbitration.

7. The two Governments will accept the awards made in the several cases submitted to the said arbitration as final and conclusive, and will give full effect to the same in good faith and as soon as possible.

I avail myself of this opportunity to renew to your excellency the assurances of my most distinguished consideration.

D. E. SICKLES.

His Excellency the MINISTER OF STATE.

[Translation.]

MINISTRY OF STATE,
Madrid, February 12, 1871.

SIR: I have had the honor to receive the note you were pleased to address me under date of yesterday, communicating to me the definitive record of the memorandum in reference to the manner of arranging the settlement of the reclamations of citizens of the United States consequent upon the insurrection in the island of Cuba, and as, in drawing up this document, you have kindly incorporated the slight modifications I proposed to you, for greater clearness and precision, in my note of yesterday in answer to yours of the 7th, I take pleasure

in informing you that I entirely concur in the contents of the said memorandum.

I improve this occasion to renew to you the assurances of my most distinguished consideration.

CRISTINO MARTOS.

The MINISTER PLENIPOTENTIARY OF THE
UNITED STATES OF AMERICA.

1875.[a]

AGREEMENT—THE STEAMER VIRGINIUS.

Concluded February 27, 1875.

In consideration of the reasons set forth and the declarations made reciprocally in various conferences to that effect had between His Excellency Mr Caleb Cushing Representative of the United States, and His Excellency D. Alejandro Castro Minister of State, as also of the notes which have passed between them, and desiring at the same time to put an end by means of an equitable and friendly accord to the reclamations presented by the Government of the United States in consequence of what occurred at Santiago de Cuba, in regard to the persons of the officers, crew and passengers of the Steamer "Virginius", it being understood that from these reclamations are to be excluded, in so far as respects the ship's company, all individuals indemnified as British subjects, and, with respect to passengers, including only six American citizens:

They have agreed:

First. The Spanish Government engages to deliver to that of the United States the sum of eighty thousand dollars in coin, or four hundred thousands pesetas, for the purpose of relief of the families or persons of the ship's company and passengers aforesaid of the "Virginius."

Second. The Government of the United States engages to accept the sum mentioned in satisfaction of reclamations of any sort which, in the sense of personal indemnification in this behalf might hereafter be advanced against the Spanish Government.

Third—When the sum referred to in Article one, shall have been received, the President of the United States will proceed to distribute the same among the families, or the parties interested in the form and manner which he may judge most equitable, without being obliged to give account of this distribution to the Spanish Government.

Fourth The payment of the eighty thousand dollars, or four hundred thousand pesetas, shall be effected by the spanish Government, at Madrid, in specie, and in three periods of two months each: thirty thousand dollars, or one hundred and fifty thousand pesetas, for each of the first two installments, and twenty thousand dollars, or one hundred thousand pesetas in the last.

Fifth The present agreement will be ratified by both the undersigned, so soon as His Excellency the representative of the United

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[a] Note as to treaties with Spain, page 1640.

States shall have presented credential letters which accredit him as Minister Plenipotentiary near His Majesty the King of Spain.

Done at Madrid, this twenty-seventh day of February, in the year one thousand eight hundred and seventy five.

C. CUSHING.
ALEJANDRO CASTRO.

1877.[a]

EXTRADITION CONVENTION.

Concluded January 5, 1877; ratification advised by the Senate February 9, 1877; ratified by the President February 14, 1877; ratifications exchanged February 21, 1877; proclaimed February 21, 1877.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Offenses prior to treaty.
V. Limitations.
VI. Offenses in country of asylum.
VII. Criminal claimed by more than one country.
VIII. Delivery of citizens.
IX. Expenses.
X. Property in possession of accused.
XI. Procedure.
XII. Ratification.

The United States of America and His Majesty the King of Spain having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a Convention for that purpose, and have appointed, as their Plenipotentiaries, the President of the United States, Caleb Cushing, the Envoy Extraordinary and Minister Plenipotentiary of the United States near the Government of Spain; and His Majesty the King of Spain, His Excellency Don Fernando Calderon y Collantes, his Minister of State, Knight Grand Cross of the Royal and distinguished Order of Cárlos Tercero, of those of Leopold of Austria and of Belgium, of that of Our Lord Jesus Christ of Portugal, of the Savior of Greece, of the Holy Sepulchre, and of the Nishan Iftijar of Tunis; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the Government of the United States and the Government of Spain shall, upon mutual requisition duly made as herein provided, deliver up to justice all persons who may be charged with, or who have been convicted of, any of the crimes specified in

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[a] This convention was amended by the Convention of 1882. See note applying to all treaties with Spain prior to the treaty of Paris, page 1640.

Article II. of this Convention, committed within the jurisdiction of one of the contracting parties, while said persons were actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II.

Persons shall be delivered up, according to the provisions of this Convention, who shall have been charged with, or convicted of, any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, poisoning or infanticide.
2. The attempt to commit murder.
3. Rape.
4. Arson.
5. Piracy or mutiny on board ship when the crew or other persons on board, or part thereof, have, by fraud or violence against the commander, taken possession of the vessel.
6. Burglary, defined to be the act of breaking and entering into the house of another in the night-time with intent to commit a felony therein.
7. The act of breaking and entering the offices of the Government and public authorities, or the offices of banks, banking-houses, saving-banks, trust companies, insurance companies, with intent to commit a felony therein.
8. Robbery, defined to be the felonious and forcible taking from the person of another, goods or money by violence or by putting him in fear.
9. Forgery, or the utterance of forged papers.
10. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.
11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank-notes or other instruments of public credit; of counterfeit seals, stamps, dies and marks of state or public administrations; and the utterance, circulation or fraudulent use of any of the above-mentioned objects.
12. The embezzlement of public funds, committed within the jurisdiction of one or the other party, by public officers or depositaries.
13. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.
14. Kidnapping, defined to be the detention of a person or persons in order to exact money from them or for any other unlawful end.

ARTICLE III.

The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by

or to either of the contracting parties in virtue of this Convention, shall be tried or punished for any political crime or offence, nor for any act connected therewith, committed previously to the extradition.

ARTICLE IV.

No person shall be subject to extradition in virtue of this Convention for any crime or offence committed previous to the exchange of the ratifications hereof; and no person shall be tried for any crime or offence other than that for which he was surrendered, unless such crime be one of those enumerated in Article II., and shall have been committed subsequent to the exchange of the ratifications hereof.

ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof when, from lapse of time or other lawful cauuse, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

ARTICLE VI.

If a fugitive criminal, whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined and until such criminal shall have been set at liberty in due course of law.

ARTICLE VII.

If a fugitive criminal, claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions on account of crimes committed within their jurisdiction, such criminal shall be delivered, in preference, in according with that demand which is the earliest in date.

ARTICLE VIII.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Convention.

ARTICLE IX.

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive criminal at the time of his arrest, which may be material as evidence in making proof of the crime, shall, so far as practicable, be delivered up with his

person at the time of the surrender. Nevertheless, the rights of a third party, with regard to the articles aforesaid, shall be duly respected.

ARTICLE XI.

The stipulations of this Convention shall be applicable to all foreign or colonial possessions of either of the two contracting parties.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country or its seat of Government, or where extradition is sought from a colonial possession of one of the contracting parties, requisition may be made by superior consular officers.

It shall be competent for such representatives or such superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall, respectively, have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII.

This Convention shall continue in force from the day of the exchange of the ratifications thereof, but either party may at any time terminate the same on giving to the other six months' notice of its intention so to do.

In testimony whereof, the respective Plenipotentiaries have signed the present Convention in triplicate, and have hereunto affixed their seals.

Done at the city of Madrid, in triplicate, English and Spanish, this fifth day of January, in the year of our Lord one thousand eight hundred and seventy-seven.

[SEAL.] CALEB CUSHING.
[SEAL.] FERNDO. CALDERON Y COLLANTES.

1877.

Protocol of Conference and Declarations Concerning Judicial Procedure.[a]

Signed January 12, 1877.

Protocol of a conference held at Madrid on the 12th of January, 1877, between the honorable Caleb Cushing, Minister Plenipotentiary of the United States of America, and His Excellency Señor Don Fernando Calderon y Collantes, Minister of State of His Majesty the King of Spain.

The respective parties, mutually desiring to terminate amicably all controversy as to the effect of existing treaties in certain matters of judicial procedure, and for the reasons set forth and representations exchanged in various notes and previous conferences, proceeded to make declaration on both sides as to the understanding of the two Governments in the premises, and respecting the true application of said treaties.

Señor Calderon y Collantes declared as follows:

1. No citizen of the United States residing in Spain, her adjacent islands, or her ultramarine possessions, charged with acts of sedition, treason or conspiracy against the institutions, the public security, the integrity of the territory or against the Supreme Government, or any other crime whatsoever, shall be subject to trial by any exceptional tribunal, but exclusively by the ordinary jurisdiction, except in the case of being captured with arms in hand.

2. Those who, not coming within this last case, may be arrested or imprisoned, shall be deemed to have been so arrested or imprisoned by order of the civil authority for the effects of the Law of April 17, 1821, even though the arrest or imprisonment shall have been effected by armed force.

3. Those who may be taken with arms in hand, and who are therefore comprehended in the exception of the first article, shall be tried by ordinary council of war, in conformity with the second article of the hereinbefore-mentioned law; but even in this case the accused shall enjoy for their defense the guarantees embodied in the aforesaid Law of April 17, 1821.

4. In consequence whereof, as well in the cases mentioned in the third paragraph as in those of the second, the parties accused are allowed to name attorneys and advocates, who shall have access to them at suitable times; they shall be furnished in due season with copy of the accusation and a list of witnesses for the prosecution, which latter shall be examined before the presumed criminal, his attorney and advocate, in conformity with the provisions of articles twenty to thirty-one of the said law; they shall have right to compel the witnesses of whom they desire to avail themselves to appear and give testimony or to do it by means of depositions; they shall present such evidence as they may judge proper; and they shall be permitted to be present and to make their defense, in public trial, orally or in writing, by themselves or by means of their counsel.

5. The sentence pronounced shall be referred to the audiencia of the judicial district, or to the Captain General, according as the trial

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[a] See note page 1640.

may have taken place before the ordinary judge or before the council of war, in conformity also with what is prescribed in the abovementioned law.

Mr. Cushing declared as follows:

1. The Constitution of the United States provides that the trial of all crimes except in cases of impeachment shall be by jury, and such trial shall be held in the State where said crimes shall have been committed, or when not committed within any State the trial will proceed in such place as Congress may direct (Art. III, § 2); that no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury except in cases arising in the land and naval forces or in the militia when in actual service, (Amendments to the Constitution, Art. V); and that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have counsel for his defense, (Amendments to the Constitution, Art. VI.)

2. The Act of Congress of April 30, 1790, chap. 9, sec. 29, reenacted in the Revised Statutes, provides that every person accused of treason shall have a copy of the indictment and a list of the jury, and of the witnesses to be produced at the trial, delivered to him three days before the same, and in all other capital cases two days before that takes place; that in all such cases the accused shall be allowed to make his full defense by counsel learned in the law, who shall have free access to him at all seasonable hours; that he shall be allowed in his defense to make any proof which he can produce by lawful witnesses, and he shall have due power to compel his witnesses to appear in court.

3. All these provisions of the Constitution and of Acts of Congress are of constant and permanent force, except on occasion of the temporary suspension of the writ of habeas corpus.

4. The provisions herein set forth apply in terms to all persons accused of the commission of treason or other capital crimes in the United States, and therefore, as well by the letter of the law as in virtue of existing treaties, the said provisions extend to and comprehend all Spaniards residing or being in the United States.

Señor Calderon y Collantes then declared as follows:

In view of the satisfactory adjustment of this question in a manner so proper for the preservation of the friendly relations between the respective Governments, and in order to afford to the Government of the United States the completest security of the sincerity and good faith of His Majesty's Government in the premises, command will be given by Royal Order for the strict observance of the terms of the present Protocol in all the dominions of Spain and specifically in the island of Cuba.

In testimony of which we have interchangeably signed this Protocol.

CALEB CUSHING.
FERNDO. CALDERON Y COLLANTES.

1881.[a]

AGREEMENT FOR TERMINATING THE CLAIMS COMMISSION FORMED UNDER THE AGREEMENT OF FEBRUARY 12, 1871.

Concluded February 23, 1881.

DEPARTMENT OF STATE,
Washington, February 23, 1881.

SIR: I have had the honor to hold several recent conferences with you, touching the desire of your Government, formally expressed in the note of the Minister of State, Señor Elduayen, to the Minister of the U. S. at Madrid on the 5th of July 1880; for the adoption of an accord between the two Governments looking to the fixation of a term for the labors of the American and Spanish Claims Commission which was organized under the agreement of February 12, 1871. In those conferences, the entire agreement of our views in the matter happily renders any discussion thereof unnecessary, save only as to the form and manner of placing such agreement of views on record, with the same force and effect as the original agreement of 1871.

As you are aware, the agreement of 1871 was discussed between the U. S. Minister at Madrid and the Spanish Minister of State for some time before a final understanding was reached, during which time various written projects and counter projects of an agreement were reciprocally submitted and considered, and that at the wish of the Spanish government itself, it was determined that a final accord should be effected by simple exchange of diplomatic notes. This was accordingly done and the date of Señor Martos' note accepting the completed redaction of the agreement became, therefore, the date of the agreement itself. It is thought unnecessary that a fresh agreement determining the duration of the Commission should involve more of formality than the original accord whereby the commission itself was created; and I have, accordingly, the honor to propose, for your prompt acceptance as I doubt not a like conclusion of our present negotiation by means of a simple exchange of diplomatic notes, and in the suggested form of an additional article to the Agreement of 1871.

I believe that you and I are in accord upon the substantial points of the following text of such additional article, as the result of our deliberations thereon.

"VIII All claims for injuries done to citizens of the United States by the Authorities of Spain in Cuba, since the first day of October, A. D. 1868, which have not heretofore been presented by the Government of the U. S. to the Commission now sitting in Washington under the agreement of February 12, 1871, shall be so presented to the said Commission within sixty days, from this twenty third day of February, 1881, unless in any case where reasons for delay shall be established to the satisfaction of the Arbitrators, and in any such case the period for presenting the claim may be extended by them to any time not exceeding thirty days longer.

"The Commission shall be bound to examine and decide upon every claim which may have been presented to it, or which shall hereafter be presented to it in accordance with this article, within one year from the 12th day of May, 1881. Provided, however, that in any

[a] Note page 1640.

particular case in which delay in completing the defense shall make an extension for the claimant's proofs or final argument, or decision, beyond this period, necessary for justice, such extension may be granted, by the Arbitrators, or, on their disagreement by the Umpire."

"The Arbitrators shall have full power, subject to these stipulations, to make and publish convenient rules for carrying into effect this additional Article, and any disagreement with reference to such rules shall be decided by the Umpire."

If, therefore, you are of like opinion with me that the foregoing memorandum of the text of an additional article to the Agreement of February 12, 1871, correctly represents the accord we have reached in our recent verbal conferences, and will intimate to me, by note, your acceptance thereof, said additional article will be regarded by this Government (as also by that of Spain) as bearing date from the date of your note of acceptance, and as thereupon and thenceforth having like force and effect with the original agreement which it supplements.

Accept, &c., WM. M. EVARTS.

[Translation.]

LEGATION OF SPAIN,
Washington, February 23, 1881.

The undersigned, envoy extraordinary and minister plenipotentiary of His Catholic Majesty, has the honor to acknowledge the receipt of the note which the Honorable Secretary of State has this day been pleased to address to him stating, with perfect correctness, the result of the conferences held with the view of reaching an understanding with regard to the desire of the government of His Majesty the King, which was expressed in the note of the minister of state to the representative of the United States at Madrid (said note being dated July 5, 1880), to fix a term for the labors of the Spanish-American Commission of Arbitration which was appointed in pursuance of the convention of February 12, 1871.

The undersigned shares the views entertained by the Honorable Secretary in respect to the form in which it will be proper to express the understanding adopted in said conferences, and he hereby signifies his entire assent to the terms in which the Honorable Secretary of the State is pleased to express it in the following additional article to the convention of 1871, which will be considered by the Government of Spain and that of the United States, from this date, as having the same force and effect as the aforesaid convention:

"VIII. All claims for injuries done to citizens of the United States by the authorities of Spain in Cuba since the 1st day of October, A. D. 1868, which have not heretofore been presented by the Government of the United States to the Commission now sitting in Washington under the agreement of February 12, 1871, shall be so presented to the said Commission within sixty days from this twenty-third day of February, 1881, unless in any case where reasons for delay shall be established to the satisfaction of the arbitrators; and in any such case the period for presenting the claim may be extended by them to any time not exceeding thirty days longer.

"The Commission shall be bound to examine and decide upon every claim which may have been presented to it, or which shall hereafter be presented to it in accordance with this article, within

one year from the 12th day of May, 1881; Provided, however, that in any particular case in which delay in completing the defence shall make an extension for the claimant's proofs or final arguments or decision, beyond this period, necessary for justice, such extension may be granted by the Arbitrators, or in their disagreement by the Umpire.

"The Arbitrators shall have full power, subject to these stipulations, to make and publish convenient rules for carrying into effect this additional article, and any disagreement with reference to such rules shall be decided by the Umpire."

The undersigned avails himself of this occasion to reiterate to the Honorable William M. Evarts the assurances of his highest consideration.

FELIPE MENDEZ DE VIGO.

1882.[a]

PROTOCOL EXTENDING THE TIME FOR THE TERMINATION OF THE CLAIMS COMMISSION UNDER THE AGREEMENT OF FEBRUARY 12, 1871, TO JANUARY 1, 1883.

Signed May 6 and December 14, 1882.

Protocol of a conference between the Honorable Frederick T. Frelinghuysen, Secretary of State of the United States, and His Excellency Francisco Barca, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Spain, held at the Department of State in Washington on the sixth day of May, eighteen hundred and eighty two.

Mr. Frelinghuysen handed to Mr. Barca the following paper, entitled "Article IX", and said that it embodied the results of several preliminary conferences between himself and Mr. Barca relating to the prolongation of the Spanish American Claims Commission until the first day of January next:

ARTICLE IX.

It being impossible for the Commission, in consequence of the death of the Arbitrator and of the Advocate on the part of the United States, to examine and decide within one year from the 12th. of May 1881 each and every claim which has been presented, if is agreed that the term aforesaid be extended to the 1st. of January 1883, for the sole purpose of permitting the Commission to examine and decide the claims actually pending.

And it is further agreed to this end

1st. That no evidence in any case shall be received after the 15th day of June next.

2nd. That no printed or written brief or argument before the Arbitrators shall be filed on behalf of any claimant after the 15th day of July 1882.

3rd. That no printed or written brief or argument shall be filed in reply on behalf of Spain after the 15th day of September 1882.

4th. That no oral arguments shall be heard by the Arbitrators after the 1st day of November 1882.

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[a] Note page 1640.

5th. That no arguments either written or oral shall be made before the Umpire except on his written request addressed to the Commission, specifying the time within which he will hear or receive said arguments.

6th. That the Arbitrators may establish in accordance with the preceding stipulations convenient rules for the better and more rapid despatch of the business of the Commission, and any disagreement which may arise between them as to those rules or their interpretation, shall be decided by the Umpire.

Decisions in every pending case shall be given by both Arbitrators before the 15th day of December next: jointly if they agree, separately when they disagree.

All cases in which on that day the two Arbitrators shall not have agreed, or in which neither Arbitrator shall have rendered a decision, shall go to the Umpire.

All cases in which the American arbitrator shall have failed to give a decision shall be rejected or allowed, as the case may be, in the form determined by the decision of the Arbitrator of Spain if the Spanish Arbitrator shall have given a decision: and *vice-versa* all cases in which the Spanish Arbitrator shall have failed to give a decision shall be allowed or rejected, as the case may be, in the form determined by the decision of the American Arbitrator if the American Arbitrator shall have given a decision: it being the purpose of both parties to have the work of the Arbitrators finished before December 15, 1882.

The Umpire is requested to render decisions before January 1, 1883, in all cases submitted to him in order that the work of the Commission may cease on that day. But if the Umpire fails to comply with this request, decisions rendered by him after that day shall be respected by both parties, notwithstanding that the Commission shall be deemed to be terminated and dissolved after the 1st day of January 1883.

Mr. Barca observed that the Article as reduced embodied correctly the understanding between himself and Mr. Frelinghuysen.

In testimony whereof we have interchangeably signed this protocol.

FREDK. T. FRELINGHUYSEN.
FRAN^{CO} BARCA.

It is agreed by the Honorable F. T. Frelinghuysen, Secretary of State, and Don Francisco Barca, Envoy Extraordinary and Minister Plenipotentiary of Spain, that the 6th clause of the protocol of May 6, 1882, shall be changed by the insertion of the words, "the 27th day of December," instead of the words, "the 15th day of December," where the latter occur.

FREDK. T. FRELINGHUYSEN.
FRAN^{CO} BARCA.

WASHINGTON, *December 14, 1882.*

1882.[a]

Trade-Mark Convention.

Concluded June 19, 1882; ratification advised by the Senate July 5, 1882; ratified by the President April 4, 1883; ratifications exchanged April 19, 1883; proclaimed April 19, 1883.

Articles.

I. Reciprocal rights as to trade-marks.
II. Formalities.
III. Duration; ratification.

The President of the United States of America and His Majesty the King of Spain, being desirous of securing reciprocal protection for the trade-marks and manufactured articles of their respective citizens or subjects within the dominions or territories of the other country, have resolved to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries: the President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of Spain, His Excellency Don Francisco Barca, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the United States; who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Article I.

The citizens and subjects of each of the two contracting parties shall enjoy, in the dominions and possessions of the other, the same rights as the natives of the country in everything relating to the ownership of trade-marks, industrial designs or models, or of manufactures of any kind.

Article II.

Persons desiring to secure the aforesaid protection shall be obliged to comply with the formalities required by the laws of the respective countries.

Article III.

This Convention shall take effect as soon as it shall have been promulgated in both countries; and shall remain in force for ten years thereafter, and further until the expiration of one year after either of the contracting parties shall have given notice to the other of its wish to terminate the same; each of the contracting parties being at liberty to give such notice to the other at the end of said period of ten years or any time thereafter.

The ratifications of this Convention shall be exchanged at Washington as soon as possible within one year from this date.

In testimony whereof the respective Plenipotentiaries have signed this Convention in duplicate, in the English and Spanish languages, and affixed thereto the seals of their arms.

Done at Washington, the 19th day of June, in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] Fred'k T. Frelinghuysen.
[SEAL.] Franco Barca.

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[a] See note on page 1640 as to treaties with Spain prior to treaty of Paris.

1882.[a]

Supplementary Extradition Convention.

Concluded August 7, 1882; ratification advised by the Senate February 27, 1883; ratified by the President April 4, 1883; ratifications exchanged April 19, 1888; proclaimed April 19, 1883.

Articles.

I. Alterations, convention 1877.
II. Additions to Article II.
III. Additional articles relating to procedure.
IV. Unabrogated articles to apply to this convention.

The President of the United States of America and His Majesty the King of Spain, being satisfied of the propriety of adding some articles to the extradition convention concluded between the United States and Spain on the 5th day of January, 1877, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplementary convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States, Frederick T. Frelinghuysen, Esquire, Secretary of State of the United States; and His Majesty the King of Spain, His Excellency Don Francisco Barca, Knight Grand Cross of the Royal American Order of Isabel la Católica, His Majesty's Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having reciprocally exhibited their full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

Paragraph 5 of Article II. of the aforesaid Convention of January 5, 1877, is abrogated, and the following substituted:

5. Crimes committed at sea:

(a) Piracy as commonly known and defined by the law of nations.

(b) Destruction or loss of a vessel caused intentionally, or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel, on the high seas.

(c) Mutiny or conspiracy by two or more members of the crew or other person on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel.

Paragraph 12 of said Article II. is amended to read as follows:

12. The embezzlement or criminal malversation of public funds committed within the jurisdiction of one or the other party, by public officers or depositaries.

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[a] See note as to all treaties with Spain prior to treaty of Paris, page 1640. Federal cases: Oteiza y Cortes *v.* Jacobus (136 U. S., 330); Castro *v.* De Uriarte (12 Fed. Rep., 250, 16 Fed. Rep., 93); In re Cortes (42 Fed. Rep., 47); Ex parte Ortiz (100 Fed. Rep., 955).

Paragraph 13 of said Article II. is likewise modified to read as follows:

13. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries.

Paragraph 14 of said Article II. is likewise modified to read as follows:

14. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or from their families, or for any other unlawful end.

ARTICLE II.

In continuation of and as forming part of Article II. of the aforesaid Convention of January 5, 1877, shall be added the following paragraphs:

15. Obtaining by threats of injury, or false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when the crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries.

16. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

17. Slave-trade, according to the laws of each of the two countries respectively.

18. Complicity in any of the crimes or offenses enumerated in the Convention of January 5, 1877, as well as in these additional articles, provided that the persons charged with such complicity be subject as accessories to imprisonment or other corporal punishment by the laws of both countries.

ARTICLE III.

After Article XI. of the aforesaid Convention of January 5, 1877, shall be inserted the two following articles:

Article XII.

If, when a person accused shall have been arrested in virtue of the mandate or preliminary warrants of arrest, issued by the competent authority as provided in Article XI, hereof, and been brought before a judge or a magistrate to the end of the evidence of his or her guilt being heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding twenty-five days, so that the demanding government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused; and if, at the expiration of said period of twenty-five days, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released; provided that the examination of the charges preferred against such accused person shall not be actually going on.

Article XIII.

In every case of a request made by either of the two contracting parties for the arrest, detention or extradition of fugitive criminals in pursuance of the convention of January 5, 1877, and of these additional articles, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the government demanding the extradition, before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition; provided however that any officer or officers of the surrendering government, so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE IV.

All the provisions of the aforesaid convention of the 5th of January, 1877, not abrogated by these additional articles, shall apply to these articles with the same force as to the said original Convention.

This additional Convention shall be ratified and the ratifications exchanged at Washington as soon as may be practicable; and upon the exchange of ratifications it shall have immediate effect, and form a part of the aforesaid Convention of January 5, 1877, and continue and be terminable in like manner therewith.

In testimony whereof the respective Plenipotentiaries have signed the present additional Convention in duplicate, in the English and Spanish languages, and have hereunto affixed their seals.

Done at the city of Washington this 7th day of August in the year of our Lord one thousand eight hundred and eighty-two.

[SEAL.] FREDK. T. FRELINGHUYSEN.
[SEAL.] FRAN^{CO} BARCA.

1883.

PROTOCOL OF AN AGREEMENT CONCLUDED BETWEEN THE ACTING SECRETARY OF STATE AND THE SPANISH MINISTER IN REFERENCE TO THE TERMINATION OF THE AMERICAN AND SPANISH CLAIMS COMMISSION.

Signed at Washington, June 2, 1883.

Protocol of an agreement concluded between Mr. John Davis, Acting Secretary of State of the United States, and Don Francisco Barca, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Spain, signed the 2nd day of June 1883.

The undersigned, in view of the Spanish-American Commission of arbitration having concluded its labors on the 31st of December last in conformity with the provisions of the protocol of the 6th of May 1882, after having conferred on the subject, and being sufficiently empowered thereto by their respective governments, have agreed upon the following:

First: The Department of State of the United States will preserve in its archives the originals of the judgments pronounced by the Commission of Arbitration, giving a duly certified copy of each one of said judgments to the Legation of Spain.

The books, reports and other documents of the dissolved Commission shall be divided between the Department of State and the Legation of His Majesty the King of Spain.

Second: On the 30th day of the present month of June, Mr. Eustace Collett, late Secretary of the said Commission, and who at the present time is charged with the arrangement and division of its papers, shall complete his labors, delivering to each of the respective governments the documents, books and papers referred to in the preceding paragraph first.

Third: The Governments of the United States of America and of His Majesty the King of Spain recognizing the zeal, uprightness, and impartiality with which Count Lewenhaupt has given his services during nearly three years as Umpire, hereby agree that the Government of His Majesty the King of Spain shall pay to Count Lewenhaupt the salary or compensation to which he is entitled according to the 6th article of the agreement of February 12, 1871, and that the Government of the United States will give to him a suitable present, both of these, the salary as well as the present, to be given in the name of the two contracting parties.

Fourth: The Government of the United States and that of His Catholic Majesty, desiring at the same time to present a testimonial of their thanks to Baron Carl Lederer, Mr. A. Bartholdi and Baron A. Blanc, for the zeal, impartiality and uprightness with which they in turn filled in past years the same delicate office of Umpire, hereby agree to offer to each of the three gentlemen mentioned a present consisting of a work of silver or of art, the cost of which shall be defrayed in equal moieties by the two governments.

Fifth: The payment of salary due to Count Lewenhaupt and the presents which are to be made to him as well as to his predecessors shall not prejudice in any manner the question touching the payment of the expenses of the dissolved Spanish and American Commission of Arbitration, or any other question pending between the two countries.

In testimony whereof, the undersigned have signed and sealed the present Protocol in the city of Washington, this 2nd day of June, A. D. 1883.

JOHN DAVIS. [SEAL.]
FRAN^CO BARCA. [SEAL.]

1884.[a]

Agreement Concerning Commercial Relations.

Concluded January 2, 1884.

The Government of the United States of America and the Government of his Majesty the King of Spain, desiring to improve the commercial relations between said States and the Spanish Provinces of Cuba and Porto Rico, John W. Foster, Envoy Extraordinary and Minister Plenipotentiary of said Republic at Madrid, and his Excellency Servando Ruiz Gomez, His Catholic Majesty's Minister of State, duly authorized by their respective Governments have agreed upon the following articles:

Article 1.

In virtue of the authorization given to the Spanish Government by article 3 of the law of the 20th of July, 1882, the duties of the third column of the customs tariffs of Cuba and Porto Rico, which implies the suppression of the differential flag duty, will at once be applied to the products of, and articles proceeding from, the United States of America.

Article 2.

In consequence of this agreement the Royal Order of the 13th March, 1882, which imposes a special duty on live fish imported into Cuba under a foreign flag, is void for the United States.

Article 3.

The Spanish consular officers in the United States will cease to impose or collect tonnage fees on the cargoes of vessels leaving the ports of the United States for Cuba and Porto Rico.

Article 4.

The Government of the said United States will remove the extra duty of ten *per cent. ad valorem* which it has imposed on the products and articles proceeding from Cuba and Porto Rico under the Spanish flag.

Article 5.

Perfect equality of treatment between the said Spanish provinces and the United States is established, thus removing all extra duties or discrimination not general as to other countries having the treatment of the most favored nations.

Article 6.

The custom houses of the United States will furnish to the respective Spanish consuls, whenever they may request them, certificates of the cargoes of sugar and tobacco brought in vessels proceeding from both the Spanish Antilles, stating the quantities of said articles received.

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[a] See note, page 1640.

ARTICLE 7.

The preceding stipulations shall go into effect both in the United States and in the provinces of Cuba and Porto Rico on the first day of March, 1884.

ARTICLE 8.

Both Governments bind themselves to begin at once negotiations for a complete treaty of commerce and navigation between the United States of America and the said provinces of Cuba and Porto Rico.

Executed in duplicate at Madrid on this second day of January A. D. one thousand eight hundred and eighty-four.

[SEAL.] JOHN W. FOSTER.
[SEAL.] SERVANDO RUIS GÓMEZ.

1884.

AGREEMENT[a] RESPECTING RECIPROCAL ABOLITION OF CERTAIN DISCRIMINATING DUTIES IN THE PORTS OF THE UNITED STATES AND IN CUBA AND PORTO RICO.

Executed and signed at Madrid, February 13, 1884.

As the commercial agreement for the improvement of the mercantile relations between the United States of America and the islands of Cuba and Porto Rico, signed in this capital on the second day of January of the present year, embraces, besides the stipulations which the Government of His Catholic Majesty may, in virtue of legal authorization, put into execution at once, others which require the examination and approbation of the legislative power, which on account of special circumstances is unable to deliberate upon them in proper time to put them in execution on the first day of March next, as agreed upon; the Government of the United States of America and the Government of His Majesty the King of Spain, and in their name John W. Foster, Envoy Extraordinary and Minister Plenipotentiary of said Republic in Madrid, and His Excellency José Elduayen, Marques del Pazo de la Merced, Minister of State, duly authorized, have decided to modify the Commercial Agreement of the second of January last, and have agreed upon the following articles:

ARTICLE 1.

In virtue of the authorization given to the Spanish Government by article 3 of the law of the 20th of July, 1882, the duties of the third column of the customs tariffs of Cuba and Porto Rico, which

[a] The President, on the 14th of February, 1884, issued a proclamation declaring that after the 1st day of March, 1884, so long as the products of and articles proceeding from the United States, imported into the Islands of Cuba and Porto Rico shall be exempt from discriminating customs duties, any such duties on the products of and articles proceeding from Cuba and Porto Rico under the Spanish flag shall be suspended and discontinued. This suspension was revoked by the President's proclamation of October 13, 1886, but was revived by the President's proclamation of October 27, 1886.

implies the suppression of the differential flag duty, will be applied to the products of, and articles proceeding from the United States of America.

ARTICLE 2.

The Government of the United States will remove the extra duty of ten *per cent. ad valorem* which it has imposed on the products of, and articles proceeding from, Cuba and Porto Rico under the Spanish flag.

ARTICLE 3.

The customs-houses of the United States will furnish to the respective Spanish consuls, whenever they may request them, certificates of the cargoes of sugar and tobacco brought in vessels proceeding from both the Spanish Antilles, stating the quantities of said articles received.

ARTICLE 4.

The preceding stipulations shall go into effect both in the United States of America and the Islands of Cuba and Porto Rico on the first day of March, 1884; and to this effect the Government of the United States of America and that of Spain will at once issue the proper orders.

Executed in duplicate in Madrid on this 13th February, one thousand eight hundred and eighty-four.

[SEAL.] JOHN W. FOSTER.
[SEAL.] J. ELDUAYEN.

The Government of His Catholic Majesty will submit in due time to the deliberations of the Córtes, the suppression of the tonnage fees on merchandise at present paid on the cargoes of vessels leaving the ports of the United States for Cuba and Porto Rico, as well as the special duty which is imposed on live fish imported into Cuba under a foreign flag in accordance with the Royal Order of 13th of March, 1882.

Executed in duplicate in Madrid on this 13th February, one thousand eight hundred and eighty-four.

[SEAL.] JOHN W. FOSTER.
[SEAL.] J. ELDUAYEN.

1886.

MEMORANDUM OF AN AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF SPAIN FOR THE SUSPENSION OF TONNAGE DUTIES.[a]

Signed October 27, 1886.

Memorandum of Agreement between the Government of the United States of America and the Government of Spain for the reciprocal and complete suspension of all discriminating duties of tonnage or imposts in the United States and in the Islands of Cuba and Porto Rico upon vessels of the respective countries and their cargoes.

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[a] See note, page 1640.

First: It is positively understood that from this date an absolute equalization of tonnage and impost duties will at once be applied to the products of and articles proceeding from the United States or from any foreign country in vessels owned by citizens of the United States to the Islands of Cuba and Porto Rico, and that no higher or other impost or tonnage duties will be levied upon such vessels and the merchandise carried in them as aforesaid than are imposed upon Spanish vessels and their cargoes under the same circumstances.

Under the above conditions the President of the United States will at once issue his proclamation declaring that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects Spanish vessels and the produce, manufactures or merchandise imported in them into the United States from Spain or her possessions aforesaid or from any foreign country.

This Memorandum of Agreement is offered by the Government of Spain and accepted by the Government of the United States as a full and satisfactory notification of the facts above recited.

Secondly: The United States Minister at Madrid will be authorized to negotiate with the Minister for Foreign Affairs either by an agreement or treaty, so as to place the commercial relations between the United States and Spain on a permanent footing advantageous to both countries.

In witness whereof, the undersigned, in behalf of the Governments of the United States and of Spain respectively, have hereunto set their hands and seals.

Done at Washington, this 27th day of October, A. D. 1886.

T. F. Bayard.
E. de Muruaga.

1887.

Memorandum of Agreement Between the United States of America and Spain for the Reciprocal and Complete Suspension of all Discriminating Duties of Tonnage or Imposts in Their Respective Ports.[a]

Done at Washington September 21, 1887.

Memorandum of agreement between the Government of the United States of America and the Government of Spain for the reciprocal and complete suspension of all discriminating duties of tonnage or imposts in the United States and in the Islands of Cuba and Porto Rico and all other countries belonging to the Crown of Spain, upon vessels of the respective countries and their cargoes.

1. It is positively agreed that from this date an absolute equalization of tonnage dues and imposts shall at once be applied to the productions of or articles proceeding from the United States, or any other foreign country, when carried in vessels belonging to citizens of the United States, and under the American flag, to the Islands of Cuba, Porto Rico and the Philippines, and also to all other countries belonging to the Crown of Spain, and that no higher or other tonnage dues or imposts shall be levied upon said vessels and the goods carried in them, as aforesaid, than are paid by Spanish vessels and their cargoes under similar circumstances.

[a] See note, page 1640.

2d. On the above conditions, the President of the United States shall at once issue a proclamation declaring that discriminating tonnage dues and imposts in the United States are suspended and discontinued as regards Spanish vessels and produce, manufactures or merchandise imported into the United States, proceeding from Spain, from the aforesaid possessions and from the Philippine Islands; and also from all other countries belonging to the Crown of Spain or from any foreign country.

This protocol of an agreement is offered by the Government of Spain and accepted by that of the United States as a full and satisfactory notification of the facts above recited.

3d. The United States Minister at Madrid will be authorized to negotiate with the Minister for Foreign Affairs either by an agreement or treaty, so as to place the commercial relations between the United States and Spain on a permanent footing advantageous to both countries.

In witness whereof, the undersigned, in behalf of the Governments of the United States and of Spain respectively, have hereunto set their hands and seals.

Done at Washington this 21st day of September in the year of our Lord 1887.

T. F. BAYARD. [Seal.]
E. DE MURUAGA. [Seal.]

1887.[a]

AGREEMENT CONCERNING DISCRIMINATING DUTIES, CUBA, PORTO RICO AND THE PHILIPPINES.[a]

Concluded December 21, 1887.

The undersigned in behalf of the Government of Spain and of the United States respectively have agreed that the agreement between the Government of the United States of America and the Government of Spain for the reciprocal and complete suspension of all discriminating duties of tonnage or imposts in the United States and in the Islands of Cuba Porto Rico and Philippines and all other countries belonging to the Crown of Spain, upon vessels of the respective countries and their cargoes shall be extended until the 30th June, 1888 and shall continue in full force and effect until the time specified unless it shall be superseded at an earlier day by Treaty between the two Governments.

In witness whereof, His Excellency S. Moret, Minister of State and J. L. M. Curry, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, have hereunto set their hands and seals in the present instrument.

Done at Madrid this 21 day of December in the year of our Lord 1887.

[SEAL.] J. L. M. CURRY.
[SEAL.] S. MORET.

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[a] See note, page 1640.

1888.[a]

Extension Agreement.

Concluded May 26, 1888.

The undersigned, in the name of the Governments of Spain and the United States respectively, have agreed as follows.

First.

The Agreement in force between Spain and the United States of America signed at Madrid on the 21st of December 1887, is prorogued.

Second.

This Agreement which was to terminate on June 30th. of this year, shall continue in force by virtue of this prorogation, until the conclusion of a more extended treaty of Commerce between the two parties interested or until one of them shall give notice to the other of its desire to terminate the Agreement two months before the date on which it desires such termination.

In witness whereof, His Excellency, Don Segismundo Moret, Minister of State, and Mr. J. L. M. Curry, Envoy Extraordinary and Minister Plenipotentiary of the United States of America in Madrid, have placed their hands and seals to the present document.

Done in duplicate at Madrid this 26th. day of May, 1888.

[seal.] J. L. M. Curry.
[seal.] S. Moret

1891.[a]

Protocol to Regulate Commerce Between United States, Cuba, and Porto Rico.

Signed June 19, 1891.

Protocol of an agreement made between William F. Wharton, Acting Secretary of State of the United States and Señor Don Miguel Suarez Guanes, Envoy Extraordinary and Minister Plenipotentiary of Spain, at the Department of State in Washington, June 19, 1891.

In the act of completing the exchange of notes which constitute the transitory and definitive commercial arrangements celebrated between the Governments of the United States and Spain to regulate the commerce between the United States and the Islands of Cuba and Porto Rico, it is agreed between the undersigned that the memoranda exchanged between Don Miguel Suarez Guanes and John W. Foster and the copies of telegrams exchanged between the former and the Minister of State of Spain, Duke of Tetuan, and attached hereto, shall be held to be a part of the official correspondence attending the negociation and completion of said commercial arrangement.

In testimony whereof we have interchangeably signed this Protocol this 19 day of June, 1891.

William F. Wharton
[seal.] M. Suarez Guanes

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[a] See note, page 1640.

Mr Foster having been furnished on May 15, 1891, by Sr. Suarez Guanes with a copy of the Royal Order which stated the bases upon which the latter was authorized to exchange the notes necessary to constitute the commercial Arrangement between the United States and the Islands of Cuba and Porto Rico. the former on May 20, 1891 handed to Sr. Suarez Guanes, the following:

MEMORANDUM.

Mr. Foster states that the question of tariff advantages in the nature of *drawbacks* on flour was not mentioned in his conferences with the Duke of Tetuan or the Minister of the Colonies, and that nothing was agreed respecting it. The President, however, finds no objection to accepting the stipulation.

The paragraph relating to municipal duty is not what Mr. Foster understood was agreed to by the Duke of Tetuan. The final draft left by Mr. Foster contained the words *de la seguridad*. For this there has been substituted the word *procurará*. The latter has no binding signification. He understood it was agreed that the spirit of Article 6 of the treaty of 1884 should be incorporated in the notes. The President thinks the words in Mr. Foster's original draft or their equivalent should be reinserted.

Mr. Foster states that the putting in force of the commercial Arrangement was not made in any manner conditional on the character of the reply of Mr. Blaine as to the President's action respecting tobacco. He also states that he informed the Duke of Tetuan that he had no authority or instructions to treat respecting tobacco, that he did not know what Mr. Blaine's reply would be and that the only assurance he could give was that it would be in a friendly spirit. Upon a renewed examination of the subject the President thinks he has no authority under Section 3 to complicate the present Arrangement with any other engagement or make its consummation conditional upon action excluded by the law. He also feels that the advantages conceded to Spain under the Arrangement are so much greater than those to be received by the United States that it is hardly reasonable to ask further concessions conditioned upon it.

Mr. Foster says he had the assurance directly from Señor Canovas, confirmed by the Duke of Tetuan, that a written declaration would be given that in its future commercial treaties Spain would observe the principles set forth in Articles 23 and 24 of the treaty of 1884. This declaration is not explicitly made in the Royal Order addressed to Señor Suarez Guanes. The President thinks that in order to avoid any cause of misunderstanding in the future it is desirable that such a declaration be made.

If the Spanish Government shall acquiesce in the foregoing, Mr. Blaine is prepared to exchange the notes necessary to bind the two Governments to the commercial Arrangement.

MEMORANDUM.

Handed by Mr. Foster to Sr. Suarez Guanes May 28, 1891.

Mr. Foster says the President accepts as satisfactory the interpretation given in the telegram of the Minister of State to the stipulation

in Sr. Suarez' proposed note respecting the municipal duties that for the practical results which may concern the interests of the United States it will have the same effect as that proposed by Mr. Foster.

The President also accepts the explanation contained in the third point of the telegram, it being understood that in its future commercial treaties Spain will observe the principle of equivalent compensation for conditional concessions set forth in Articles 23 and 24 of the treaty of 1884.

The President feels that in making the proposed reciprocity arrangement, it must be confined to the limitations fixed by Section 3, and he declines to make any promise as to his action respecting the import duty on tobacco. If the Spanish Government thinks it necessary to present any representations on that subject in the note proposing the terms of the reciprocity arrangement, the only reply which can be given on that point is that they shall have careful consideration.

MEMORANDUM.

Handed by Mr. Foster to Sr. Suarez Guanes June 1, 1891.

Mr. Foster states that the President can give no other assurance as to his action respecting tobacco than that he will take the desires of the Spanish Government into careful consideration.

He also states that in view of the delay already occurred, it will not be best to have the transitory arrangement go into operation so soon as July 1st. He proposes that the date be fixed for September 1st for transitory arrangement; that publication be made of both transitory and definitive arrangements August 1st, next, and that notes be exchanged at once.

1895.[a]

Copyright.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas it is provided by section 13 of the act of Congress of March 3, 1891, entitled "An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights," that said act "shall only apply to a citizen or subject of a foreign state or nation when such foreign state or nation permits to citizens of the United States of America the benefit of copyright on substantially the same basis as its own citizens; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may, at its pleasure, become a party to such agreement:"

And whereas it is also provided by said section that "the existence of either of the conditions aforesaid shall be determined by the

[a] See note, page 1640.

President of the United States by proclamation made from time to time as the purposes of this act may require:"

And whereas satisfactory official assurances have been given that in Spain and her provinces and colonial possessions the law permits to citizens of the United States the benefit of copyright on substantially the same basis as to the subjects of Spain:

Now, therefore, I, GROVER CLEVELAND, President of the United States of America, do declare and proclaim that the first of the conditions specified in section 13 of the act of March 3, 1891, now exists and is fulfilled in respect to the subjects of Spain.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this Tenth day of July, one thousand eight hundred and ninety-five and of the In-
[SEAL.] dependence of the United States the one hundred and twentieth.

GROVER CLEVELAND

By the President:
ALVEY A. ADEE
Acting Secretary of State.

1898.

PROTOCOL OF AGREEMENT EMBODYING THE TERMS OF A BASIS FOR THE ESTABLISHMENT OF PEACE BETWEEN THE UNITED STATES AND SPAIN.

Signed August 12, 1898.

ARTICLES.

I. Relinquishment of title to Cuba.
II. Cession of Porto Rico, etc.
III. Occupation of Manila.
IV. Evacuation by Spain.
V. Appointment of commissioners.
VI. Hostilities to cease.

PROTOCOL.

William R. Day, Secretary of State of the United States, and His Excellency Jules Cambon, Ambassador Extraordinary and Plenipotentiary of the Republic of France at Washington, respectively possessing for this purpose full authority from the Government of the United States and the Government of Spain, have concluded and signed the following articles, embodying the terms on which the two Governments have agreed in respect to the matters hereinafter set forth, having in view the establishment of peace between the two countries, that is to say:

ARTICLE I.

Spain will relinquish all claim of sovereignty over and title to Cuba.

ARTICLE II.

Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

ARTICLE III.

The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines.

ARTICLE IV.

Spain will immediately evacuate Cuba, Porto Rico and other islands now under Spanish sovereignty in the West Indies; and to this end each Government will, within ten days after the signing of this protocol, appoint Commissioners, and the Commissioners so appointed shall, within thirty days after the signing of this protocol, meet at Havana for the purpose of arranging and carrying out the details of the aforesaid evacuation of Cuba and the adjacent Spanish islands; and each Government will, within ten days after the signing of this protocol, also appoint other Commissioners, who shall, within thirty days after the signing of this protocol, meet at San Juan, in Porto Rico, for the purpose of arranging and carrying out the details of the aforesaid evacuation of Porto-Rico and other islands now under Spanish sovereignty in the West Indies.

ARTICLE V.

The United States and Spain will each appoint not more than five commissioners to treat of peace, and the commissioners so appointed shall meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace, which treaty shall be subject to ratification according to the respective constitutional forms of the two countries.

ARTICLE VI.

Upon the conclusion and signing of this protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

Done at Washington in duplicate, in English and in French, by the Undersigned, who have hereunto set their hands and seals, the 12th day of August 1898.

[SEAL.] WILLIAM R. DAY.
[SEAL.] JULES CAMBON.

1898.

Treaty of Peace.[a]

Concluded at Paris December 10, 1898; ratification advised by the Senate February 6, 1899; ratified by the President February 6, 1899; ratifications exchanged April 11, 1899; proclaimed April 11, 1899.

Articles.

I. Relinquishment of Cuba.
II. Cession of Porto Rico, Guam, etc.
III. Cession of Philippine Islands.
IV. Spanish trade with the Philippines.
V. Return of Spanish soldiers from Manila; evacuation of Philippines and Guam.
VI. Release of prisoners.
VII. Relinquishment of claims.
VIII. Property relinquished and ceded.
IX. Property and civil rights of persons in ceded territory.
X. Religious freedom.
XI. Legal rights in ceded or relinquished territory.
XII. Determination of pending judicial proceedings.
XIII. Privileges of copyrights and patents preserved in ceded territories.
XIV. Consular privileges.
XV. Mutual privileges of shipping charges.
XVI. Obligations of Cuba.
XVII. Ratification.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries:

The President of the United States,

William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States;

And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Ríos, president of the senate, Don Buenaventura de Abarzuza, senator of the Kingdom and ex-minister of the Crown; Don José de Garnica, deputy to the Cortes and associate justice of the supreme court; Don Wenceslao Ramirez de Villa-Urrutia, envoy extraordinary and minister plenipotentiary at Brussels, and Don Rafael Cerero, general of division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

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[a] Federal cases: Oteiza *v.* Jacobus (136 U. S., 330), Duly *v.* U. S. (182 U. S., 222; 183 U. S., 151), Delima *v.* Bidwell (182 U. S., 1), Goetze *v.* U. S. (182 U. S., 221; 103 Fed. Rep., 72), Armstrong *v.* U. S. (182 U. S., 243), Downes *v.* Bidwell (182 U. S., 244), Hauns *v.* New York and Porto Rico Company (182 U. S., 392), Crossman *v.* U. S. (182 U. S., 221), Pepke *v.* U. S. (183 U. S., 176), J. Ribas Hijo *v.* U. S. (194 U. S. 315), Derr *v.* U. S. (195 U. S., 138), Bosque *v.* U. S. (209 U. S. 91), Ponce *v.* Roman Catholic Church (210 U. S., 296), Valdes *v.* Munich (212 U. S., 568), Caballos *v.* U. S. (214 U. S., 47), Castro *v.* Uriarte (12 Fed. Rep., 250; 16 Fed Rep., 93), In re Cortes (42 Fed Rep., 47), Ex parte Ortiz (100 Fed. Rep., 955), Armstrong *v.* Bidwell (124 Fed. Rep., 690), De Pass *v.* Bidwell (124 Fed. Rep., 618), Sugar Company *v.* Bidwell (124 Fed. Rep., 677 [683]), Howell *v.* Bidwell (124 Fed. Rep., 688), De Canevara *v.* Brooke (135 Fed. Rep., 144).

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following lines:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty five minutes (4° 45′) north latitude, thence along the parallel of four degrees and forty five minutes (4° 45′) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35′) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty five minutes (119° 35′) east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40′) north, thence along the parallel of latitude of seven degrees and forty minutes (7° 40′) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars ($20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as

prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, livestock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the meantime, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto-Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II, and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands of the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts,

structures, public highways and other immovable property which, in conformity with law, belong to the public domain ,and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance

dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either Government to the other.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

ARTICLE XVII.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety-eight.

[SEAL] WILLIAM R. DAY
[SEAL] CUSHMAN K. DAVIS
[SEAL] WILLIAM P. FRYE
[SEAL] GEO. GRAY
[SEAL] WHITELAW REID
[SEAL] EUGENIO MONTERO RÍOS
[SEAL] B. DE ABARZUZA
[SEAL] J. DE GARNICA
[SEAL] W R DE VILLA URRUTIA
[SEAL] RAFAEL CERERO

1900.

PROTOCOL WITH SPAIN EXTENDING THE PERIOD DURING WHICH SPANISH SUBJECTS, NATIVES OF THE PHILIPPINE ISLANDS, MAY DECLARE THEIR INTENTION TO RETAIN THEIR SPANISH NATIONALITY.

Concluded March 29, 1900; advice and consent of the Senate April 27, 1900; proclaimed April 28, 1900.

ARTICLE.

Extension.

Whereas by the ninth Article of the Treaty of Peace between the United States of America and the Kingdom of Spain, signed at Paris on December 10, 1898, it was stipulated and agreed that Spanish subjects, natives of the Peninsula, remaining in the territory over which

Spain by Articles I and II of the said treaty relinquished or ceded her sovereignty could preserve their allegiance to the Crown of Spain by making before a court of record within a year from the date of the exchange of ratifications of said treaty, a declaration of their decision to preserve such allegiance;

And whereas the two High Contracting Parties are desirous of extending the time within which such declaration may be made by Spanish subjects, natives of the Peninsula, remaining in the Philippine Islands;

The undersigned Plenipotentiaries, in virtue of their full powers, have agreed upon and concluded the following article:

SOLE ARTICLE.

The period fixed in Article IX of the Treaty of Peace between the United States and Spain, signed at Paris on the tenth day of of December, 1898, during which Spanish subjects, natives of the Peninsula, may declare before a court of record their intention to retain their Spanish nationality, is extended as to the Philippine Islands for six months beginning April 11, 1900.

In witness whereof, the respective Plenipotentiaries have signed the same and have thereunto affixed their seals.

Done in duplicate at Washington the 29th day of March, in the year of Our Lord one thousand nine hundred.

JOHN HAY
ARCOS

1900.

TREATY FOR CESSION OF OUTLYING ISLANDS OF THE PHILIPPINES.

Concluded November 7, 1900; ratification advised by Senate January 22, 1901; ratified by the President January 30, 1901; ratifications exchanged March 23, 1901; proclaimed March 23, 1901.

ARTICLE.

Relinquishment of islands to the United States.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of Her August Son, Don Alfonso XIII, desiring to remove any ground of misunderstanding growing out of the interpretation of Article III of the Treaty of Peace concluded between them at Paris the tenth day of December, one thousand eight hundred and ninety eight, whereby Spain cedes to the United States the archipelago known as the Philippine Islands and comprehending the islands lying within certain described lines, and having resolved to conclude a Treaty to accomplish that end, have for that purpose appointed as their respective plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States;

and Her Majesty the Queen Regent of Spain, the Duke de Arcos, Envoy Extraordinary and Minister Plenipotentiary of Spain to the United States;

who, having met in the city of Washington and having exchanged their full powers, which were found to be in due and proper form, have agreed upon the following sole article:

SOLE ARTICLE.

Spain relinquishes to the United States all title and claim of title, which she may have had at the time of the conclusion of the Treaty of Peace of Paris, to any and all islands belonging to the Philippine Archipelago, lying outside the lines described in Article III of that Treaty and particularly to the islands of Cagayan Sulú and Sibutú and their dependencies, and agrees that all such islands shall be comprehended in the cession of the Archipelago as fully as if they had been expressly included within those lines.

The United States, in consideration of this relinquishment, will pay to Spain the sum of one hundred thousand dollars ($100,000) within six months after the exchange of the ratifications of the present treaty.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain, after approval by the Cortes of the Kingdom, and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty and have hereunto affixed our seals.

Done in duplicate at the city of Washington, the 7th day of November, in the year of Our Lord one thousand nine hundred.

JOHN HAY [SEAL]
ARCOS [SEAL]

1901.

AGREEMENT WITH SPAIN EXEMPTING FROM AUTHENTICATION SIGNATURES ATTACHED TO LETTERS ROGATORY EXCHANGED WITH PORTO RICO, THE PHILIPPINE ISLANDS, AND SPAIN.

Concluded August 7, 1901; effective November 28, 1901.

NOTES—DECLARATION.

Duke de Arcos to Mr. Hill.

LEGACION DE ESPAÑA,
Manchester, Mass., July 30, 1901.

DEAR MR. SECRETARY: With reference to my Memorandum of April 18th last, in which I suggested that the authentication of signatures affixed to letters rogatory which are transmitted through the diplomatic Channel might be dispensed with, and to the answer from the Department of State of June 5th last, which I duly referred to my Government; I have received instructions to accept the proposition of the Government of the United States as regards Puerto Rico and the Philippine Islands, since the same arrangement is not possible as

regards letters exchanged between the Courts of the United States, of the States of the Union and of the organized Territories.

The Spanish Government proposes that this agreement should be made by an exchange of notes between the two Governments if satisfactory to the United States, and if so I should be very much obliged to you if you would communicate with me regarding the date upon which this arrangement can be put in force, as well as any other details which the Department of State may wish to be considered.

I remain, etc.,

ARCOS.

Mr. Adee to Duke de Arcos.

AUGUST 5, 1901.

SIR: I have the honor to acknowledge the receipt of your personal note of the 30th ultimo to Dr. Hill, Assistant Secretary of State, in which you advise him that your Government is disposed to conclude by an exchange of notes the agreement (suggested in your memorandum of April 18th last and this Department's of June 5th last) for the purpose of dispensing with the authentication of signatures affixed to letters rogatory issuing from Spanish courts to those of Porto Rico and the Philippines, and from the courts of Porto Rico and the Philippines to those of Spain, if the letters rogatory shall be transmitted through the diplomatic channel.

In reply I have the honor to quote the memoranda exchanged as follows:

[Translation.]

LEGATION OF SPAIN,
April 18, 1901.

The Spanish Government does not require the signatures of United States authorities intervening in the execution of rogatory commissions, issued from Spain to be authenticated; and in reciprocity of this measure, is anxious that the United States Government should not in the future require the authentication of signatures of Spanish officials who execute American rogatory commissions in Spain.

As all these documents are transmitted from the two governments through the diplomatic channel, the Spanish Government considers that this fact should alone guarantee their authenticity.

DEPARTMENT OF STATE,
Washington, June 5, 1901.

The Department of State submitted to the Secretary of War and the Governor of Porto Rico the memorandum of the Spanish Minister, dated April 18 last, suggesting that, as letters rogatory passing between the courts of the United States and Spain were transmitted through the diplomatic channel, the authentication of the officials executing the letters might be dispensed with.

Copies of letters from the officers above mentioned are enclosed, from which it appears that in Cuba, the Philippines and Porto Rico the authentications will be dispensed with, so long as the letters pass through the diplomatic channel. The vast majority of the letters rogatory transmitted between the two governments will thus be re-

lieved from the burden of authentication. As regards the letters, however, exchanged between the courts of the United States, of the States of the Union and of the organized Territories, it will not be possible for this Department to make any such arrangement, as the execution of the letters must take place in accordance with the provisions of the laws of the United States, of the State or Territory, respectively, and in compliance with the rules of the executing court.

The Department of State would be glad to know whether the arrangement offered is satisfactory to the Spanish Government.

An acknowledgment by you of the present note, acquiescing in the arrangement proposed, so far as Porto Rico, the Philippines and Spain are concerned, will be regarded by this Government as completing the agreement.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Duke de Arcos to Mr. Hay.

[Translation.]

LEGATION OF SPAIN,
Manchester, Mass., August 7, 1901.

MR. SECRETARY: I have the honor to acknowledge the reception of the note of your Department dated the 5th instant by which you advise me that the Government of the United States accepts the proposition of that of H. M. to the effect, that as regards Porto Rico and the Philippines, the authentication of the signatures of the officials who intervene in the execution of letters rogatory passing between Spain and the said countries and vice versa, through the diplomatic channel, be hereafter dispensed with.

I transcribe hereinbelow the memorandum that I had the honor of sending to Your Excellency on the 18th of April last, and the reply, dated June 5, that I received from the Department.

LEGACION DE ESPAÑA, EN WASHINGTON,
April 18th, 1901.

The Spanish Government does not require the signatures of United States Authorities intervening in the execution of rogatory commissions issued from Spain to be authenticated; and in reciprocity of this measure, is anxious that the United States Government, should not in the future require the authentication of signatures of Spanish officials who execute American rogatory commissions in Spain.

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The Department of State would be glad to know whether the arrangement offered is satisfactory to the Spanish Government.

In conformity with Your Excellency's statement in the note which I have the honor to answer, I agree, in the name of the Government of His Majesty, to consider the proposed arrangement as completed by the present exchange of notes, but I must give you notice that it cannot go into effect in Spain until it shall have been published in the "Gaceta de Madrid", that is to say after the time required for the transmission to Spain and the subsequent printing of the text.

I avail, etc.,

ARCOS.

DECLARATION.

The undersigned, on behalf of their respective Governments and in accordance with the notes they exchanged on the 5th and 7th of August last, have agreed upon the following declaration:

The signatures of officials who officiate in the execution of rogatory commissions addressed by the Courts of Porto Rico and the Philippine Islands to those of Spain, or by the Spanish Courts to those of Porto Rico and the Philippine Islands, transmitted through the diplomatic channel, will not require authentication.

Done in duplicate at Washington this 7th day of November, 1901.

JOHN HAY

EL DUQUE DE ARCOS

1902.

Treaty of Friendship and General Relations.

Concluded July 3, 1902; ratification advised by the Senate December 16, 1902; ratified by the President February 6, 1903; ratifications exchanged April 14, 1903; proclaimed April 20, 1903.

Articles.

I. Amity.
II. Commerce; navigation; favored-nation treatment.
III. Disposition of real and personal property.
IV. Religious liberty.
V. Exemptions of citizens and vessels.
VI. Access to courts; favored-nation treatment.
VII. Customs duties.
VIII. Mutual privileges of shipping.
IX. Coasting trade.
X. Shipwrecks.
XI. Nationality of vessels.
XII. Diplomatic privileges.
XIII. Consular officers.
XIV. Consular privileges.
XV. Consular exemptions.
XVI. Testimony by consuls.
XVII. Arms and flags at consulates.
XVIII. Consular offices and archives.
XIX. Acting consular officers.
XX. Vice-consuls and agents.
XXI. Application to authorities by consuls.
XXII. Notarial powers.
XXIII. Shipping disputes.
XXIV. Deserters from ships.
XXV. Damages to vessels at sea.
XXVI. Notice of decease of citizens.
XXVII. Representation of minor heirs, etc.
XXVIII. Favored-nation treatment of consuls.
XXIX. Annulling of prior treaties.
XXX. Duration.
XXXI. Ratification.

The United States of America and His Catholic Majesty the King of Spain, desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevail between the two Parties, have determined to sign a Treaty of Friendship and General Relations, the stipulations whereof may be productive of mutual advantage and reciprocal utility to both Nations, and have named with this intention:

The President of the United States of America, Bellamy Storer, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty; And His Catholic Majesty the King of Spain, Don Juan Manuel Sanchez y Gutierrez de Castro, Duke of Almodóvar del Rio, Marquis of Puebla de los Infantes, Grandee of Spain, His Most Catholic Majesty's Chamberlain, Knight Professed of the Order of Alcántara, Knight Grand Cross of the Royal Order of Ysabela the Catholic, of the Legion of Honor, of the Red Eagle of Prussia, etc., etc., etc., His Minister of State;

Who having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

Article I.

There shall be a firm and inviolable peace and sincere friendship between the United States and its citizens on the one part, and His Catholic Majesty and the Spanish Nation on the other part, without exception of persons or places under their respective dominion

Article II

There shall be a full, entire and reciprocal liberty of commerce and navigation between the citizens and subjects of the two High Con-

tracting Parties, who shall have reciprocally the right, on conforming to the laws of the country, to enter, travel and reside in all parts of their respective territories, saving always the right of expulsion which each Government reserves to itself, and they shall enjoy in this respect, for the protection of their persons and their property, the same treatment and the same rights as the citizens or subjects of the country or the citizens or subjects of the most favored Nation.

They can freely exercise their industry or their business, as well wholesale as retail, without being subjected as to their persons or their property, to any taxes, general or local, imposts or conditions whatsoever, other or more onerous than those which are imposed or may be imposed upon the citizens or subjects of the country or the citizens or subjects of the most favored Nation.

It is, however, understood that these provisions are not intended to annul or prevent, or constitute any exception from the laws, ordinances and special regulations respecting taxation, commerce, health, police, and public security, in force or hereafter made in the respective countries and applying to foreigners in general.

Article III.

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens or subjects of the country from which such proceeds may be drawn.

The citizens or subjects of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, whether resident or nonresident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies, shall be liable to pay in like cases.

In the event that the United States should grant to the citizens or subjects of a third Power the right to possess and preserve real estate in all the States, territories and dominions of the Union, Spanish subjects shall enjoy the same rights; and, in that case only, reciprocally, the citizens of the United States shall also enjoy the same rights in Spanish Dominions.

Article IV.

The citizens or subjects of each of the two High Contracting Parties shall enjoy in the territories of the other the right to exercise their worship, and also the right to bury their respective countrymen

according to their religious customs in such suitable and convenient places as may be established and maintained for that purpose, subject to the Constitution, Laws and Regulations of the respective countries.

ARTICLE V.

The citizens or subjects of each of the High Contracting Parties shall be exempt in the territories of the other from all compulsory military service, by land or sea, and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatsoever.

Furthermore, their vessels or effects shall not be liable to any seizure or detention for any public use without a sufficient conmpensation, which, if practicable, shall be agreed upon in advance.

ARTICLE VI.

The citizens or subjects of each of the two High Contracting Parties shall have free access to the Courts of the other, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of their rights, in all the degrees of jurisdiction established by law. They can be represented by lawyers, and they shall enjoy, in this respect and in what concerns arrest of persons, seizure of property and domiciliary visits to their houses, manufactories, stores, warehouses, etc., the same rights and the same advantages which are or shall be granted to the citizens or subjects of the most favored Nation.

ARTICLE VII.

No higher or other duties of tonnage, pilotage, loading, unloading, lighthouse, quarantine or other similar or corresponding duties whatsoever, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country than those imposed in the like cases on national vessels in general or vessels of the most favored Nation. Such equality of treatment shall apply, reciprocally, to the respective vessels from whatever port or place they may arrive and whatever may be their place of destination, except as hereinafter provided in Article IX of this Convention.

ARTICLE VIII.

All the articles which are or may be legally imported from foreign countries into ports of the United States, in United States' vessels, may likewise be imported into those ports in Spanish vessels, without being liable to any other or higher duties or charges whatsover than if such articles were imported in United States vessels; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Spain, in Spanish vessels, may likewise be imported into these ports in United States vessels without being liable to any other or higher duties or charges whatsoever than if such were imported from foreign countries in Spanish vessels.

In the same manner there shall be perfect equality of treatment in regard to exportation to foreign countries, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the territories of either of the High Contracting Parties on the exportation to foreign countries of any article which is or may be legally exported from the said territories, whether such exportation shall take place in United States or in Spanish vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

It is, however, understood that neither this article nor any other of the articles of the present Convention shall in any way affect the special treaty stipulations which exist or may hereafter exist with regard to the commercial relations between Spain and the Philippine Islands.

ARTICLE IX.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances and Regulations of the United States and Spain respectively.

Vessels of either country shall be permitted to discharge part of their cargoes at any port open to foreign commerce in the territory of either of the High Contracting Parties, and to proceed with the remainder of their cargo to any other port or ports of the same territory open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances and they shall be permitted to load in like manner at different ports in the same voyage outward.

ARTICLE X.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

ARTICLE XI.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Spain as United States vessels, and reciprocally, all vessels sailing under the flag of Spain and furnished with the papers which the laws of Spain require, shall be regarded in the United States as Spanish vessels.

ARTICLE XII.

The High Contracting Parties desiring to avoid all inequality in their public communications and official intercourse agree to grant to the Envoys, Ambassadors, Ministers, Chargés d'affaires and other diplomatic agents of each other, the same favors, privileges, immunities and exemptions which are granted or shall be granted to the agents of the most favored Nation, it being understood that the favors, privileges, immunities and exemptions granted by the one party to the

Envoys, Ambassadors, Ministers, Chargés d'affaires, or any other diplomatic agents of the other party or to those of any other Nation, shall be reciprocally granted and extended to those of the other High Contracting Party.

ARTICLE XIII.

Each of the High Contracting Parties pledges itself to admit the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the other in all its ports, places and cities, except where it may not be convenient to recognize such functionaries.

This reservation, however, shall not be applied by one of the High Contracting Parties to the other unless in like manner applied to all other Powers.

ARTICLE XIV.

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document, they shall be admitted to the enjoyment of the rights, privileges and immunities granted to them by this Treaty.

The Government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the consular officer, and subsequently of the changes that may be made in this district.

ARTICLE XV.

All consular officers, citizens or subjects of the country which has appointed them, shall be exempted from military billetings and contributions, and shall enjoy personal immunity from arrest or imprisonment, except for acts constituting crimes or misdemeanors by the laws of the country to which they are commissioned. They shall also be exempt from all National, State, Provincial and Municipal taxes except on real estate situated in, or capital invested in the country to which they are commissioned. If, however, they are engaged in professional business, trade, manufacture or commerce, they shall not enjoy such exemption from taxes, but shall be subject to the same taxes are paid under similar circumstances by foreigners of the most favored Nation, and shall not be entitled to plead their consular privilege to avoid professional or commercial liabilities.

ARTICLE XVI.

If the testimony of a consular officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, is needed before the Courts of either country, he shall be invited in writing to appear in Court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such consular officer before the Courts of the country where he may exercise his functions, the interested

party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the consular officer in the manner prescribed above, to give his testimony.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided. Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the Constitutions of the several States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, and to be confronted with the witnesses against them.

Article XVII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their office the arms of their Nation with this inscription " Consulate," " Vice-Consulate," or " Consular Agency of the United States " or "Spain."

They may also hoist the flag of their country over the house in which the Consular Office is, provided they do not reside in the Capital in which the Legation of their country is established; and also upon any vessel employed by them in port in the discharge of their official duties.

Article XVIII.

The consular offices and archives shall be at all times inviolable. The local authorities shall not be allowed to enter such offices under any pretext, nor shall they in any case examine or take possession of the official papers therein deposited. These offices, however, shall never serve as place of asylum.

When the consular officer is engaged in trade, professional business or manufacture, the papers and archives relating to the business of the Consulate must be kept separate and apart from all others.

Article XIX.

In case of death, incapacity or absence of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their respective Chancellors or Secretaries whose official character shall have been previously made known to the Department of State at Washington or the Ministry of State in Spain, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, privileges and immunities as the officers whose places they fill, under the same conditions prescribed in the case of these officers.

Article XX.

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These Agents may be selected from among citizens of the United States or among subjects of Spain or those of other countries. They shall be furnished with a

regular commission and shall enjoy the privileges, rights and immunities stipulated for consular officers in this Convention, subject to the exceptions specified in articles XV and XVI.

Article XXI.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties, shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen, whom, if absent, such consular officers shall be presumed to represent.

If such application shall not receive proper attention, such consular officers may, in the absence of the diplomatic agent of their country, apply directly to the Government of the country to which they are commissioned.

Article XXII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries or their deputies shall, as far as compatible with the laws of their own country, have the following powers:

1. To take at their offices, their private residence, at the residence of the parties concerned or on board ship, the depositions of the captains and crews of vessels of their own country and of passengers thereon, as well as the depositions of any citizen or subject of their own country.

2. To draw up, attest, certify and authenticate all unilateral acts, deeds, and testamentary dispositions of their countrymen, as well as all articles of agreement or contracts to which one or more of their countrymen are a party.

3. To draw up, attest, certify and authenticate all deeds or written instruments which have for their object the conveyance or encumbrance of real or personal property situated in the territory of the country by which said consular officers are appointed, and all unilateral acts, deeds, testamentary dispositions, as well as articles of agreement or contracts relating to property situated, or business to be transacted, in the territory of the Nation by which the said consular officers are appointed; even in cases where said unilateral acts, deeds, testamentary dispositions, articles of agreement or contracts are executed solely by citizens or subjects of the country to which said consular officers are commissioned.

All such instruments and documents thus executed and all copies and translations thereof when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular-Agent under his official seal, shall be received as evidence in the United States and in Spain, as original documents or authenticated copies as the case may be, and shall have the same force and effect as if drawn up by and executed before a notary or public officer duly authorized in the country by which said consular officer was appointed; provided always that they have been drawn and executed in conformity to the Laws and Regulations of the country where they are intended to take effect.

Article XXIII.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their Nation and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers and crews without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party in the territorial waters of the other, neither the Federal, State or Municipal Authorities in the United States, nor the Authorities or Courts in Spain, shall on any pretext interfere, except when the said disorders are of such a nature as to cause or be likely to cause a breach of the peace or serious trouble in the port or on shore, or when in such trouble or breach of the peace, a person or persons shall be implicated not forming a part of the crew. In any other case, said Federal, State or Municipal Authorities in the United States, or Authorities or Courts in Spain, shall not interfere, but shall render forcible aid to consular officers, when they may ask it, to search for, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consul addressed in writing to either the Federal, State or Municipal Authorities in the United States, or the Authorities or Courts in Spain, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held during the whole time of their stay in the port at the disposal of the consular officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

Article XXIV.

The Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two countries may respectively cause to be arrested and sent on board or cause to be returned to their own country, such officers, seamen or other persons forming part of the crew of ships of war or merchant vessels of their Nation, who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or local authorities in writing, and make request for the return of the deserter and furnish evidence by exhibiting the register, crew list or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belonged to said ship's company.

On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the gaols of the country pursuant to the requisition and at the expense of the Consuls-General, Consuls, Vice-Consuls or Consular Agents, until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are citizens or subjects of the country within which the demand is made shall be exempted from the provisions of this article.

If the deserter shall have committed any crime or offence in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper Tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

ARTICLE XXV.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port in the respective countries voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls-General, Consuls Vice-Consuls and Consular Agents of the respective countries; in case, however, any citizen or subject of the country to which said consular officers are commissioned, or any subject of a third Power be interested and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

ARTICLE XXVI.

In case of the death of a citizen or subject of one of the parties within the territories or dominion of the other, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the Nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

ARTICLE XXVII.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents of the respective High Contracting Parties shall have, under the laws of their country and the instructions and regulations of their own Government so far as compatible with local laws, the right of representing the absent, unknown or minor heirs, next of kin or legal representatives of the citizens or subjects of their country, who shall die within their consular jurisdiction; as well as those of their countrymen dying at sea whose property is brought within their consular district; and of appearing either personally or by delegate in their behalf in all proceedings relating to the settlement of their estate until such heirs or legal representatives shall themselves appear.

Until such appearance the said consular officers shall be permitted, so far as compatible with local laws, to perform all the duties prescribed by the laws of their country and the instructions and regulations of their own Government for the safe-guarding of the property and the settlement of the estate of their deceased countrymen.

In every case the effects and property of such deceased citizens or subjects shall be retained within the consular district for twelve calendar months by said Consuls-General, Consuls, Vice-Consuls or Consular Agents or by the legal representatives or heirs of the deceased during which time the creditors, if any, of the deceased shall have the right to present their claims and demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the local judicial authorities in accordance with the laws of the country to which said officers are commissioned.

ARTICLE XXVIII.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries or Clerks of the High Contracting Parties shall reciprocally enjoy in both countries all the rights, immunities and privileges which are or may hereafter be granted to the officers of the same grade of the most favored Nation.

ARTICLE XXIX.

All treaties, agreements, conventions and contracts between the United States and Spain prior to the Treaty of Paris shall be expressly abrogated and annulled, with the exception of the treaty signed the seventeenth of February 1834 between the two countries, for the settlement of claims between the United States of America and the Government of His Catholic Majesty, which is continued in force by the present Convention.

ARTICLE XXX.

The present Treaty of Friendship and General Relations shall remain in full force and vigor for the term of ten years from the day of the exchange of ratifications. Notwithstanding the foregoing, if neither Party notifies to the other its intention of reforming any of, or all, the articles of this Treaty, or of terminating it twelve months before the expiration of the ten years stipulated above, the said Treaty shall continue binding on both Parties beyond the said ten years, until twelve months from the time that one of the Parties notifies its intention of proceeding to its reform or of terminating it.

ARTICLE XXXI

The present Convention shall be ratified and the ratifications thereof shall be exchanged at the City of Madrid as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done in duplicate at Madrid this third day of July in the year of Our Lord one thousand nine hundred and two.

[SEAL.] BELLAMY STORER
[SEAL.] EL DUQUE DE ALMODÓVAR DEL RIO.

1902.

AGREEMENT BY INTERCHANGE OF NOTES WITH SPAIN AS TO RESTORATION OF INTERNATIONAL COPYRIGHT AGREEMENT.

Concluded November 26, 1902.

MADRID, *January 29, 1902.*

EXCELLENCY:—I have the honor to lay before you fully, the views of my Government regarding what it deems advisable and necessary in restoring to effect and operation the Arrangement for Reciprocal Privileges of Copyright between the United States and the Spanish

Dominions, which led to the Proclamation on this subject of the President of the United States, of July 10, 1895.

I am instructed to bring before Your Excellency and the Government of His Majesty, which you so worthily represent, the information that although for a period of time prior to the Treaty of Paris, reciprocal registration of Copyrights between the two countries was suspended, yet the Proclamation of the President has not been revoked or modified in any particular.

I am further instructed to lay before your attention the fact that, under the authority and with the advice and consent of the Attorney General of the United States, registration of titles of works of citizens of Spain has been resumed at Washington since April 11, 1899, before the competent authority to that end, namely, the Librarian of Congress.

From this view, it follows that, in the opinion of my Goverment, nothing is needed to restore fully and completely the effect, and again reciprocally to put into operation the Arrangement regarding Reciprocal Copyright Registration as it existed from July 10, 1895, down to April 21, 1898, between the two countries, other than an exchange of notes, and a Declaration on the part of His Majesty's Government, similar to that of July 6, 1895.

If this view is in accord with that of your Excellency, I shall be authorized on the part of my Government to carry the same into effect, in the manner above indicated.

I take this occasion to renew to Your Excellency the assurance of my highest consideration.

BELLAMY STORER.

His Excellency, The MINISTER OF STATE

[Translation.]

MADRID, *November 18, 1902.*

EXCELLENCY.

MY DEAR SIR:—I received in due course Your Excellency's courteous Note of the 29th. January last, in which you express to me the desire to your Government to re-establish the Agreement between Spain and the United States, signed at Washington the 6th. and 15th. of July 1895, which granted reciprocal privileges of Copyright, and which led to the Proclamation of the President of the said Republic of the 10th. of the same month and year, extending to Spain the dispostions of Section XIII of the Act of Congress of the 3rd. March 1891, relating to this subject.

I have noted at the same time, from the contents of the said Note, that although for a period of time prior to the Treaty of Paris, reciprocal registration of Copyrights between the two countries was suspended, the said Proclamation of the President of the Republic has not been revoked or modified; and furthermore, with the consent of the Attorney General, registration before the competent authority at Washington has been resumed since the 11th. April 1899.

In view of these statements, I have the honor to bring to the knowledge of Your Excellency that His Majesty the King, my August Sovereign, has graciously decreed that the said Agreement between Spain and the United States, signed at Washington the 6th. and 15th. of July 1895, granting reciprocal privileges of Copyright, be re-estab-

lished and put into renewed operation, so soon as Your Excellency, in acknowledging receipt of the present Note, declares in the name of your Government, that your Government is reciprocally in agreement with its contents.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

THE DUKE OF ALMODÓVAR DEL RIO.

His Excellency, BELLAMY STORER,
Minister Plenipotentiary of the United States of North America.

MADRID, *November 26, 1902.*

EXCELLENCY:—I have the honor to acknowledge the receipt of Your Excellency's esteemed Note of the 18th. November 1902, by which I am informed that His Majesty the King has ordered that the Agreement between Spain and the United States, signed at Washington the 6th. and 15th. of July 1895, granting reciprocal privileges of Copyright, be re-established and put into renewed operation, so soon as I am authorized to declare that the Government of the United States is in accord with this intention.

It is my profound pleasure, in the name of the Government of the United States, to assure Your Excellency that the contents of Your Excellency's Note above referred to, taken in connection with and referring to as it does to my previous Note of the 29th. January 1902, on this subject, in the view of the Government of the United States, restores completely and puts again into full reciprocal force the Agreement of Washington hereinbefore described.

I take this occasion to renew to Your Excellency the assurances of my highest consideration.

BELLAMY STORER.

His Excellency, The MINISTER OF STATE.

NOTE: The Proclamation, in reference to copyrights, referred to in the foregoing correspondence, is dated July 10, 1895. (See page 1687.)

1904.

EXTRADITION TREATY AND PROTOCOL.

Concluded June 15, 1904; protocol signed August 13, 1907; ratification advised by the Senate January 16, 1908; ratified by the President February 5, 1908; ratifications exchanged April 6, 1908; proclaimed May 21, 1908.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Offense for which to be tried.
V. Limitations.
VI. Deferring extradition.
VII. Claimed by other countries.
VIII. Nondelivery of citizens.
IX. Expenses.
X. Property in possession of accused.
XI. Procedure.
XII. Provisional detention.
XIII. Assistance of legal officers.
XIV. Effect; duration; ratification.
Protocol; amendments to Articles III and IV.

ARTICLE I.

It is agreed that the Government of the United States and the Government of Spain shall, upon mutual requisition duly made as herein provided deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of this Convention committed within the jurisdiction of one of the Contracting Parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II.

Persons shall be delivered up according to the provisions of this Convention, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.

2. The attempt to commit murder.

3. Rape, abortion, carnal knowledge of children under the age of twelve years.

4. Bigamy.

5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the laws of Nations, or by Statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein;

9. The act of breaking into and entering into the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars (or Spanish equivalent.)

15. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offence is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars (or Spanish equivalent.)

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars (or Spanish equivalent.)

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor trustee, executor, administrator, guardian, director or officer of any Company or Corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars (or Spanish equivalent.)

21. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

22. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

Article III.

[See amended article in Protocol following Treaty.]

The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences, except in so far as they shall constitute ordinary crimes or offences punishable by the laws of the two Countries; and no person surrendered by or to either of the Contracting Parties in virtue of this convention shall be tried or punished for a political crime or offence, except they be ordinary crimes as above stated, nor for any act connected therewith, committed previously to the extradition. An attempt, whether consummated or not,

against the life of the Sovereign or of the Head of any State, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, shall not be considered a political offence, or an act connected with such an offence.

ARTICLE IV.

[See amended article in Protocol following Treaty.]

No person shall be tried for any crime or offence other than that for which he was surrendered unless such crime be one of those enumerated in Article II.

ARTICLE V.

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and, until he shall have been set at liberty in due course of law.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII.

Under the stipulations of this Convention, neither of the Contracting Parties shall be bound to deliver up its own citizens or subjects.

ARTICLE IX.

The expense of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the Con-

tracting Parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid, shall be duly respected.

ARTICLE XI.

The stipulations of this Convention shall be applicable to all territory wherever situated, belonging to either of the contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the Contracting Parties. In the event of the absence of such Agents from the country or its seat of Government, or where extradition is sought from a colonial possession of Spain or from territory, included in the preceding paragraph, other than the United States, requisition may be made by superior Consular officers.

It shall be competent for such Diplomatic or superior Consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII.

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought, before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as herein before provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released,

provided that the examination of the charges preferred against such accused person shall not be actually going on.

ARTICLE XIII.

In every case of a request made by either of the two Contracting Parties for the arrest, detention or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

This Convention shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months notice of its intention to do so.

The ratifications of the present Treaty shall be exchanged at Madrid as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Madrid, this fifteenth day of June one thousand nine hundred and four.

[SEAL.] ARTHUR S. HARDY.
[SEAL.] FAUSTINO RODRIGUES SAN PEDRO.

PROTOCOL.

The Undersigned, His Excellency, William Miller Collier, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to His Catholic Majesty, and His Excellency Don Manuel Allendesalazar y Muñoz de Salazar, Minister of State of His Catholic Majesty, duly authorized for the purpose, have agreed upon the following:

Articles III and IV of the Treaty of extradition between the United States and Spain signed at Madrid on June 15th, 1904, are hereby amended so as to read as follows:

"ARTICLE III. The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the Contracting Parties in virtue of this Convention shall be tried or punished for a political crime or

offence. When the offence charged comprises the act either of murders or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character."

"ARTICLE IV. No person shall be tried for any crime or offence other than that for which he was surrendered."

The above mentioned treaty, as amended by this protocol, is to be submitted for approval in the manner required by the laws of the two nations and the ratifications shall be exchanged at Madrid as soon as possible.

In faith whereof this protocol is signed in two originals, each one in the two languages, in San Sabastian on the 13th of August 1907.

WM. MILLER COLLIER.
MANUEL ALLENDESALAZAR.

1906.[a]

COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND SPAIN UNDER SECTION 3, TARIFF ACT, JULY 24, 1897.

Signed at San Sebastian August 1, 1906 and explanatory notes exchanged at Madrid December 20, 1906.

AGREEMENT AS TO RECIPROCAL TARIFF CONCESSIONS BETWEEN THE UNITED STATES OF AMERICA AND SPAIN.

The Government of the United States of America and in its name His Excellency Mr. William Miller Collier, Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of Spain, and the Government of His Catholic Majesty the King of Spain, and in its name His Excellency M. Pio Gullon é Iglesias, Grand Cross of the Red Eagle of Prussia, of Leopold of Belgium, of St. Olaf of Norway, of St. Stephen of Hungary, etc, etc, Life Senator, Member of the Royal Academy of Political and Moral Sciences, Minister of State, desiring to promote the mutual trade interests of the two countries and the former having proposed to the latter the concession by Spain of the most favored nation treatment (Portugal excepted) in exchange for the tariff treatment which on the part of the United States is considered (if the treatment accorded to Cuba be excepted) as the most favored nation treatment, that is, that made by the concessions made to various countries in the articles comprehended in Section three of the American tariff:—

It is hereby in behalf of the said two Governments agreed as follows:—

I. The following mentioned products and manufactures of Spain exported from Spain to the United States, shall upon their entrance into the United States be dutiable as follows:—

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[a] This agreement will terminate August 7, 1910 on notice given by the United States.

Crude tartar, or wine lees, or argols, crude, five per cent *ad-valorem.* Brandies or other spirits manufactured or distilled from grain or other materials, one dollar and seventy five cents per proof gallon.—

Still wines, and vermuth, in casks, thirty five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty four bottles or jugs containing each not more than one pint, one dollar and twenty five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.—

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum *ad-valorem*

II. The products and manufactures of the United States will pay duty at their entrance into Spain at the rates now fixed in the second column of the Spanish tariff, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made or which in future are made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.—

III. The present arrangement will enter into effect as soon as the necessary decrees and proclamations can be promulgated in both countries and it will thereafter continue in force until one year after it has been denounced by either of the High Contracting Parties. Each of the High Contracting Parties, however, shall have the right to rescind forthwith any of its concessions herein made by it, if the other at any time shall withhold any of its concessions or shall withhold any of its tariff benefits now or hereafter granted to any third Nation, exception being made of the special benefits now or hereafter given by Spain to Portugal and those now or hereafter given by the United States to Cuba—

IV. The Government of His Catholic Majesty will forthwith issue the necessary decrees and orders and the President of the United States will thereupon, at once, make the necessary proclamation.—

Made, in duplicate, in San Sebastian, August the first one thousand nine hundred and six.

William Miller Collier
Pio Gullon.

EXCHANGE OF NOTES ON DECEMBER 20, 1906, CONCERNING THE MEANING AND EFFECT OF THE SECOND PARAGRAPH OF THE AGREEMENT.

American Legation,
Madrid, December 20, 1906.

Excellency: I have the honor to inform you that the Government of the United States, acceding to the desire of His Majesty's Government to clear up certain obscurities in the text of the Agreement, concluded between Spain and the United States on August 1st. 1906, and to effectuate the intention of the two nations to concede reciprocally the most favored nation treatment, has authorized me to agree that the following shall be deemed to be the true meaning and effect of the second paragraph of the Agreement.

The products and manufactures of the United States will pay at their entrance into Spain at the rates of the second or minimum tariff of the Spanish tariff law, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made, or which in future shall be made with other nations will be immediately aplicable to the United States, exception only being made of the special advantages conceded to Portugal.

It is also agreed that the words United States wherever used in the said Agreement shall be deemed to include the territories and posessions of the United States to which the general tariff laws governing imports into the states admitted into the Union are applied.

The above is to be taken as the accepted construction of the existing Agreement, and as the measure of the respective rights of the two countries thereunder.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

ROBERT M. WINTHROP.
Chargé d'Affaires ad-interim.

His Excellency
D. JUAN PEREZ CABALLERO,
Minister of State.

[Translation.]

MINISTRY OF STATE,
Madrid December 20, 1906.

DEAR SIR: In answer to your note of this date in which having been duly authorized to clear up, as desired by His Majesty's Government, certain obscurities in the text of the Agreement concluded between the United States and Spain on August 1st. last, and to effectuate the intention of the two nations to concede reciprocally the most favored nation treatment, you express the true meaning which is to be given to the second paragraph of the said Agreement, I have the honor to inform you in the name of His Majesty's Government that, in accord with what is stated in your Note, the true meaning of said paragraph shall be deemed to be as follows:

The products and manufactures of the United States will pay at their entrance into Spain at the rates of the second or minimum tariff of the Spanish tariff law, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made, or which in future shall be made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.

It is also agreed that the words United States wherever used in the said Agreement shall be deemed to include the territories and possessions of the United States to which the general tariff laws governing imports into the States admitted into the Union are applied.

The above is to be taken as the accepted construction of the existing Agreement, and as the measure of the respective rights of the two countries under the said Convention.

I avail myself of this occasion to renew to you the assurances of my distinguished consideration.

J. PEREZ CABALLERO.

Mr. ROBERT M. WINTHROP,
Chargé d'Affaires of the United States of America.

1909.[a]

SUPPLEMENTAL COMMERCIAL AGREEMENT EFFECTED BY EXCHANGE OF NOTES.

Signed at Washington February 20, 1909.

DEPARTMENT OF STATE,
Washington, February 20, 1909.

SIR: In order to meet the wishes of your Government in the matter of the extension to Spain of the authorized reduction in the tariff duties of the United States on Spanish sparkling wines, and in order to remove any possible ground for the exercise by your Government of the right under Article III of the Commercial Agreement signed between the two countries on August 1, 1906, to rescind any of its concessions made therein to the United States, I have the honor to inform you that the President of the United States deems the concessions made by Spain in favor of the products and manufactures of the United States as reciprocal and equivalent to the grant by the Government of the United States of the reduced duties on all the articles of Spanish production and exportation enumerated in Section 3 of the Tariff Act of the United States approved July 24, 1897.

I have therefore the honor to inform you that the President of the United States will issue his proclamation suspending the duties on sparkling wines produced in and exported from Spain and substituting therefor the reduced duties authorized by Section 3 of the Dingley Tariff.

I should be glad to be informed by you as to whether this action, supplementary to the Agreement of August 1, 1906, will meet completely the wishes of your Government in the matter.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT BACON.

Señor Don RAMON PIÑA,
Minister of Spain.

[Translation.]

SPANISH LEGATION,
Washington, February 20, 1909.

MR. SECRETARY: I have the honor to acknowledge the receipt of your note of this date, in which, while advising me that in order to meet the wishes of your Government in the matter of the extension

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[a] This agreement will terminate August 7, 1910, on notice given by United States.

to Spain of the authorized reduction in the tariff duties of the United States on Spanish sparkling wines, and in order to remove any possible ground for the exercise by my Government of the right under Article III of the Commercial Agreement signed between the two countries on August 1, 1906, to rescind any of its concessions made therein to the United States, you also informed me that the President of the United States deemed the concession made by Spain in favor of the products and manufactures of the United States as reciprocal and equivalent to the grant by the Government of the United States of the reduced duties on all articles of Spanish production and exportation enumerated in Section 3 of the Tariff Act of July 24, 1897, will issue his proclamation suspending the present duties on sparkling wines produced in or exported from Spain and substituting therefor the reduced duties authorized by Section 3 of the Dingley law. I thank Your Excellency for the proposed action which you were pleased to make known to me and I agree in every particular of the way suggested by Your Excellency for this additional part of the agreement of August 1, 1906. I avail myself of this occasion to reiterate to your Excellency the assurance of my highest consideration.

R. PINA Y MILLET.

Hon. ROBERT BACON,
Secretary of State.

1908.

ARBITRATION CONVENTION.

Signed at Washington April 20, 1908; ratification advised by the Senate April 22, 1908; ratified by the President May 28, 1908; ratifications exchanged at Washington June 2, 1908; proclaimed June 3, 1908.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America and the Government of His Majesty the King of Spain, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Par-

ties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Spain shall be subject to the procedure required by her laws.

ARTICLE III.

The present Convention is concluded for a period of five years dating from the day of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Spain. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this twentieth day of April in the year one thousand nine hundred and eight.

ELIHU ROOT
R. PIÑA Y MILLET

SWEDEN.

(SEE SWEDEN AND NORWAY, page 1742. NORWAY, page 1300.)

Note from the Swedish Minister to the Secretary of State.

(For. Rel., 1905, page 872.)

LEGATION OF SWEDEN,
Washington, November 20, 1905.

Mr. SECRETARY OF STATE: One of the direct consequences of the dissolution of the union between Sweden and Norway is the cessation of the two countries' community in regard to the conventions and arrangements of every character entered into jointly by them with another power or several powers. Hence the Swedish Government deems itself released from any responsibility by reason of the obligations stipulated in the said common conventions and arrangements in which Norway is concerned. As for the treaties or other agreements concluded in the name of His Majesty the King of Sweden and Norway for Norway separately, it is obvious—and I hardly need point it out here—that His Majesty's Government is in no wise answerable, after the separation of the two states, for the obligations incumbent upon Norway.

On the other hand, the Swedish Government is of opinion that the above mentioned instruments jointly concluded by Sweden and Norway, continue in full force and effect as regards the relations between Sweden and the other contracting party or parties, without any modification whatever of the provisions that have heretofore regulated such relations being required by the dissolution of the union between Sweden and Norway.

The Swedish Government reserves the right to make, after a more thorough examination, a further communication on the point of deciding whether and in what measure a revision of the existing treaties is necessary or expedient.

In the meanwhile, the Swedish Government deems all agreements concluded by Sweden, whether separate or jointly with Norway, to be valid without modifications in regard to the relations therein considered between Sweden and the respective states.

I have the honor to bring the foregoing to your excellency's knowledge in compliance with directions received by me, and to beg that you will be so good as to acknowledge the receipt of this communication.

Be pleased, etc., A. GRIP.

The Secretary of State acknowledged receipt of this communication in a note dated December 4, 1905.

See also Note from Norwegian Minister to Secretary of State, December 7, 1905, page 1300.

1783.[a]

Treaty of Amity and Commerce.

Concluded April 3, 1783; ratified by the Continental Congress July 29, 1783; proclaimed by Congress September 25, 1783.[b]

Articles.

I. (Peace and friendship.)
II. Most favored nation privileges.
III. (Privileges to Swedish subjects in United States.)
IV. (Privileges to United States citizens in Sweden.)
V. Religious freedom.
VI. Effects of deceased persons.
VII. Commerce in case of war.
VIII. Extent of freedom of commerce.
IX. Contraband goods.
X. Goods not contraband.
XI. Ships' papers in case of war.
XII. Navigation in time of war.
XIII. Detention of contraband goods, etc.
XIV. Goods on enemy's ships.
XV. Instructions to naval vessels.
XVI. Bond from privateers.
XVII. Recaptured ships; embargoes.
XVIII. Regulations for war with common enemy.
XIX. Prizes.
XX. (Shipwrecks.)
XXI. Asylum for ships in distress.
XXII. Property rights in case of war.
XXIII. Letters of marque.
XXIV. (Shipping privileges.)
XXV. Visit of war vessels.
XXVI. (Consuls.)
XXVII. Ratification.
Separate article. Duration.

Separate Articles.

I. Defense of ships in Sweden.
II. Defense of ships in United States.
III. (Mutual protection of merchant vessels.)
IV. Right to trade.
V. Freedom of vessels from search.

The King of Sweden, of the Goths and Vandals, &c., &c., &c., and the thirteen United States of North America, to wit: New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, desiring to establish, in a stable and permanent manner, the rules which ought to be observed relative to the correspondence and commerce which the two parties have judged necessary to establish between their respective countries, states, and subjects: His Majesty and the United States have thought that they could not better accomplish that end than by taking for a basis of their arrangements the mutual interest and advantage of both nations, thereby avoiding all those burthensome preferences which are usually sources of debate, embarrassment, and discontent, and by leaving each party at liberty to make, respecting navigation and commerce, those interior regulations which shall be most convenient to itself.

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[a] Federal case: Weiberg *v.* The St. Oloff., 2 Pet. Adm., 428.

[b] Translation from the original, which is in the French language. This treaty terminated by the limitation contained in the first separate article, *post*, fifteen years from the day of the ratification, but Articles II, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XXI, XXII, XXIII, and XXV, as well as the separate Articles I, II, IV, and V, were revived by Article XII of the treaty of September 4, 1816, with Sweden and Norway, *post*, and were again revived by Article XVII of the treaty of July 4, 1827.

With this view, His Majesty the King of Sweden has nominated and appointed for his Plenipotentiary Count Gustavus Philip de Creutz, his Ambassador Extraordinary to His Most Christian Majesty, and Knight Commander of his orders; and the United States, on their part, have fully empowered Benjamin Franklin, their Minister Plenipotentiary to His Most Christian Majesty.

The said Plenipotentiaries, after exchanging their full powers, and after mature diliberation in consequence thereof, have agreed upon, concluded, and signed the following articles:

Article I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the King of Sweden, his heirs and successors, and the United States of America, and the subjects of His Majesty, and those of the said States, and between the countries, islands, cities, and towns situated under the jurisdiction of the King and of the said United States, without any exception of persons or places; and the conditions agreed to in this present treaty shall be perpetual and permanent between the King, his heirs and successors, and the said United States.

Article II.

The King and the United States engage mutually not to grant hereafter any particular favour to other nations in respect to commerce and navigation which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

Article III.

The subjects of the King of Sweden shall not pay in the ports, havens, roads, countries, islands, cities, and towns of the United States, or in any of them, any other nor greater duties or imposts, of what nature soever they may be, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the United States, or in going to or from the same, from or to any part of the world whatever.

Article IV.

The subjects and inhabitants of the said United States shall not pay in the ports, havens, roads, islands, cities, and towns under the dominion of the King of Sweden, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one

port to another of the dominion of His said Majesty, or in going to or from the same, from or to any part of the world whatever.

ARTICLE V.

There shall be granted a full, perfect, and entire liberty of conscience to the inhabitants and subjects of each party; and no person shall be molested on account of his worship, provided he submits so far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose; and the two contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required.

ARTICLE VI.

The subjects of the contracting parties in the respective States may freely dispose of their goods and effects, either by testament, donation, or otherwise, in favour of such persons as they think proper; and their heirs, in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects which the subjects of the two parties, in changing their dwelling, shall be desirous of removing from the place of their abode, shall be exempted from all duty called " droit de détraction " on the part of the Government of the two States, respectively. But it is at the same time agreed that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The United States, on their part, or any of them, shall be at liberty to make, respecting this matter, such laws as they think proper.

ARTICLE VII.

All and every the subjects and inhabitants of the Kingdom of Sweden, as well as those of the United States, shall be permitted to navigate with their vessels, in all safety and freedom, and without any regard to those to whom the merchandizes and cargoes may belong, from any port whatever; and the subjects and inhabitants of the two States shall likewise be permitted to sail and trade with their vessels, and, with the same liberty and safety, to frequent the places, ports, and havens of Powers enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from one port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different Princes. And as it is acknowledged by this treaty, with respect to ships and merchandizes, that free ships shall make the merchandizes free, and that everything which shall be on board of ships belonging to subjects of the one or the other of the contracting

parties shall be considered as free, even though the cargo, or a part of it, should belong to the enemies of one or both, it is nevertheless provided that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed that the same liberty be extended to persons who may be on board a free ship, with this effect, that, although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

Article VIII.

This liberty of navigation and commerce shall extend to all kinds of merchandizes, except those only which are expressed in the following article, and are distinguished by the name of contraband goods.

Article IX.

Under the name of contraband or prohibited goods shall be comprehended arms, great guns, cannon-balls, arquebuses, musquets, mortars, bombs, petards, granadoes, saucisses, pitch-balls, carriages for ordnance, musquet-rests, bandoleers, cannon-powder, matches, saltpetre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halbards, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops.

Article X.

These which follow shall not be reckoned in the number of prohibited goods, that is to say: All sorts of cloths, and all other manufactures of wool, flax, silk, cotton, or any other materials; all kinds of wearing apparel, together with the things of which they are commonly made; gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco; all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oyl, wines, sugar; all sorts of salt and provisions which serve for the nourishment and sustenance of man; all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ship-masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships. Nor shall any goods be considered as contraband which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been prepared or wrought up for any other use: all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article, so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods. On the contrary, they may be freely transported by the subjects of the King and of the United States, even to places belonging to an enemy, such places only excepted as are besieged, blocked, or invested; and those places only shall be considered as such which are nearly surrounded by one of the belligerent powers.

ARTICLE XI.

In order to avoid and prevent on both sides all disputes and discord, it is agreed that, in case one of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea-letters or passports, expressing the name, property, and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of the year. It is also agreed that the said vessels, when loaded, shall be provided not only with sea-letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, and that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandizes mentioned in the 9th article of the present treaty; which certificates shall be made out by the officers of the place from which the vessel shall depart.

ARTICLE XII.

Although the vessels of the one and of the other party may navigate freely and with all safety, as is explained in the 7th article, they shall, nevertheless, be bound, at all times when required, to exhibit, as well on the high sea as in port, their passports and certificates above mentioned; and, not having contraband merchandize on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant-ships under the convoy of vessels of war, but credit shall be given to the word of the officer commanding the convoy.

ARTICLE XIII.

If on producing the said certificates it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chests, coffers, packs, casks, or vessels, nor to remove or displace the smallest part of the merchandizes, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken; nor shall it be lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandizes, and sentence shall have passed declaring them liable to confiscation, saying nevertheless as well the ships themselves, as the other merchandizes which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize, and much less confiscated as lawful prize. And in case the contraband merchandize be only a part of the cargo, and the master of the vessel agrees, consents, and offers to deliver them to the vessel that has dis-

covered them, in that case the latter, after receiving the merchandizes which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandizes declared to be free, the owner, or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained.

ARTICLE XIV.

It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belonged to the enemy, excepting nevertheless such goods and merchandizes as were put on board before the declaration of war, and even six months after the declaration, after which term none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully and specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be public: provided, nevertheless, that if the said merchandizes be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy.

ARTICLE XV.

And that more effectual care may be taken for the security of the two contracting parties, that they suffer no prejudice by the men-of-war of the other party or by privateers, all captains and commanders of ships of His Swedish Majesty and of the United States, and all their subjects, shall be forbidden to do any injury or damage to those of the other party, and if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods.

ARTICLE XVI.

For this cause, every individual who is desirous of fitting out a privateer, shall, before he receives letters-patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers, or others in his employ may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the King of Sweden or by the United States, in virtue of this same treaty, and also under the penalty of having the said letters-patent and special commission revoked and made void.

ARTICLE XVII.

One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant-ship of the neutral Power

be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the Power at war, also ships and merchandizes of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of one of the two Powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters, and owners of ships, seamen, people of all sorts, ships and vessels, and in general all merchandizes and effects of one of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers, or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of one of the parties to seize or take anything by force from the subjects of the other party, without the consent of the owner. This, however, is not to be understood to comprehend seizures, detentions, and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice.

Article XVIII.

If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides:

1. If the ships of one of the two nations, retaken by the privateers of the other, have not been in the power of the enemy more than 24 hours, they shall be restored to the original owner, on payment of one-third of the value of the ship and cargo. If, on the contrary, the vessel retaken has been more than 24 hours in the power of the enemy, it shall belong wholly to him who has retaken it.

2. In case, during the interval of 24 hours, a vessel be retaken by a man-of-war of either of the two parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part of it if it has been retaken after the 24 hours, which sums shall be distributed as a gratification among the crew of the men-of-war that shall have made the recapture.

3. The prizes made in manner above mentioned shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy.

4. The men-of-war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined according to the laws and regulations established by the United States of America.

5. Moreover, the King of Sweden and the United States of America shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men-of-war and privateers respectively shall be bound to observe, with regard to vessels which they shall take and carry into the ports of the two Powers.

Article XIX.

The ships of war of His Swedish Majesty and those of the United States, and also those which their subjects shall have armed for war, may with all freedom conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes upon entering the said ports shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to shew.

Article XX.

In case any vessel belonging to either of the two States, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandizes wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

Article XXI.

When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads, or ports of either of the two parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection, and assistance, and they shall be at liberty to supply themselves with refreshments, provisions, and everything necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided allways that they pay a reasonable price; and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance.

Article XXII.

In order to favour commerce on both sides as much as possible, it is agreed that, in case a war should break out between the said two nations, which God forbid, the term of nine months after the declaration of war shall be allowed to the merchants and subjects respectively on one side and the other, in order that they may withdraw with their effects and movables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle; nor shall any seize their effects, and much less their persons, during the said nine months; but on the contrary, passports which shall be valid for a time necessary for their return, shall be given them for their vessels,

and the effects which they shall be willing to carry with them. And if anything is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above-mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects.

Article XXIII.

No subject of the King of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the United States of America, or any of them, or against the subjects, people, or inhabitants of the said United States, or any of them, or against the property of the inhabitants of the said States, from any Prince or State whatever, with whom the said United States shall be at war. Nor shall any citizen, subject, or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any vessel to cruize against the subjects of his Swedish Majesty, or any of them, or their property, from any Prince or State whatever with whom his said Majesty shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate.

Article XXIV.

The vessels of the subjects of either of the parties coming upon any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object.

Article XXV.

When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause two or three men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course.

Article XXVI.

The two contracting parties grant mutually the liberty of having each in the ports of the other, Consuls, Vice-Consuls, Agents, and Commissaries, whose functions shall be regulated by a particular agreement.

ARTICLE XXVII.

The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of eight months, or sooner if possible, counting from the day of the signature.

In faith whereof the respective Plenipotentiaries have signed the above articles, and have thereto affixed their seals.

Done at Paris the third of April in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] B. FRANKLIN.
[SEAL.] GUSTAV PHILIP COMTE DE CREUTZ.

SEPARATE ARTICLE.[a]

The King of Sweden and the United States of North America agree that the present treaty shall have its full effect for the space of fifteen years, counting from the day of the ratification, and the two contracting parties reserve to themselves the liberty of renewing it at the end of that term.

Done at Paris the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] B. FRANKLIN.
[SEAL.] GUSTAV PHILIP COMTE DE CREUTZ.

SEPARATE ARTICLES.

ARTICLE I.

His Swedish Majesty shall use all the means in his power to protect and defend the vessels and effects belonging to citizens or inhabitants of the United States of North America, and every of them which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities and towns of His said Majesty, and shall use his utmost endeavours to recover and restore to the right owners all such vessels and effects which shall be taken from them within his jurisdiction.

ARTICLE II.

In like manner the United States of North America shall protect and defend the vessels and effects belonging to the subjects of His Swedish Majesty, which shall be in the ports, havens, or roads, or on the seas near to the countries, islands, cities and towns of the said States, and shall use their utmost efforts to recover and restore to the right owners all such vessels and effects which shall be taken from them within their jurisdiction.

ARTICLE III.

If, in any future war at sea, the contracting Powers resolve to remain neuter, and as such to observe the strictest neutrality, then it

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[a] See note, page 1725.

is agreed that if the merchants ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance; and in such case the ships of war and frigates of either of the Powers shall protect and support the merchant-ships of the other: provided, nevertheless, that the ships claiming the assistance are not engaged in any illicit commerce contrary to the principle of the neutrality.

Article IV.

It is agreed and concluded that all merchants, captains of merchant-ships or other subjects of His Swedish Majesty, shall have full liberty in all places under the dominion or jurisdiction of the United States of America, to manage their own affairs, and to employ in the management of them, whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ labourers appointed by public authority for that purpose; but they shall be at full liberty, themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandizes to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people, and inhabitants of the United States of America shall reciprocally have and enjoy the same privileges and liberties in all places, under the jurisdiction of the said realm.

Article V.

It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on the part of the owner of the ship, or of him who has the command of her; in which case only he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties who shall be with their vessels in the ports of the other, nor their merchandizes, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the State whose merchandizes are declared contraband, or the exportation of which is forbidden; those only who shall have sold or intended to sell or alienate such merchandize being liable to punishment for such contravention.

Done at Paris, the third day of April, in the year of our Lord one thousand seven hundred and eighty-three.

[SEAL.] B. Franklin.
[SEAL.] Gustav Philip Compte De Creutz.

1893.

EXTRADITION TREATY.[a]

Concluded January 14, 1893; ratification advised by the Senate February 2, 1893; ratified by the President February 8, 1893; ratifications exchanged March 18, 1893; proclaimed March 18, 1893.

ARTICLES.

I. Surrender of accused.
II. Extraditable crimes.
III. Procedure.
IV. Provisional detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Limitation.
VIII. Restrictions on trials.
IX. Property seized with fugitive.
X. Persons claimed by other countries.
XI. Expenses.
XII. Effect; ratification.

The United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Sweden, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John W. Foster, Secretary of State of the United States; and

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Sweden mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: *Provided*, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime or offense had been there committed.

ARTICLE II.

Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter.

2. Arson.

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[a] See letters from Swedish and Norwegian Ministers respectively concerning treaties with those countries, pp. 1724 and 1300.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary; also house-breaking or shop-breaking.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than $200 or kronor 740.

7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than $200 or kronor 740.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Willful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

a. Piracy, by statute or by the law of nations;

b. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master;

c. Wrongfully sinking or destroying a vessel at sea, or attempting to do so;

d. Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this treaty, provided such participation may be punished, in the United States as a felony, and in Sweden by imprisonment at hard labor.

Article III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of

arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and Sweden, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

Article IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to the judge or other magistrate authorized to issue warrants of arrest in extradition cases, and present a complaint on oath, as provided by the statutes of the United States.

In the Kingdom of Sweden the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced, under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

Article V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

Article VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

Article VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up until he shall have had an opportunity of returning to the country from which he was surrendered.

ARTICLE IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

ARTICLE X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is not bound by Treaty to give preference otherwise.

ARTICLE XI.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and, Provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XII.

The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the convention of March 21st. 1860,[a] shall, as between the Governments of the United States and of Sweden cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it.

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[a] See page 1756.

In witness whereof the respective Plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of Washington this fourteenth day of January, one thousand eight hundred and ninety-three.

JOHN W. FOSTER. [SEAL.]
J. A. W. GRIP. [SEAL.]

1908.

ARBITRATION CONVENTION.

Signed at Washington, May 2, 1908; ratification advised by the Senate, May 6, 1908; ratified by the President, July 6, 1908; ratifications exchanged at Washington, August 18, 1908; proclaimed, September 1, 1908.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Ratification.
IV. Duration.

The President of the United States of America and His Majesty the King of Sweden desiring in pursuance of the principles set forth in articles 15–19 of the Convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899, to enter into negotiations for the conclusion of an Arbitration Convention, have named as their Plenipotentiaries, to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the King of Sweden, W. A. F. Ekengren, His Chargé d'Affaires ad interim at Washington.

who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Sweden by the King in such forms and conditions as He may find requisite or appropriate.

ARTICLE III.

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof; and by His Majesty the King of Sweden. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

ARTICLE IV.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, in the English and French languages, this second day of May, 1908.

ELIHU ROOT [SEAL.]
W. A. F. EKENGREN [SEAL.]

SWEDEN AND NORWAY.

(Sweden, page 1724. Norway, page 1300.)

1816.[a]

Treaty of Amity and Commerce.

Concluded September 4, 1816; ratification advised by the Senate with amendments February 19, 1817; ratified by the President May 27, 1818; ratifications exchanged September 25, 1818; proclaimed December 31, 1818.

Articles.

I. Liberty of commerce.
II. Discrimination in duties.
III. Not ratified by Senate.
IV. Not ratified by Senate.
V. Consuls.
VI. Not ratified by Senate.
VII. Vessels in port without unloading.
VIII. Duties on parts of cargo.
IX. Rights of entrepot.
X. Shipwrecks.
XI. Quarantine.
XII. Treaty of 1783.
XIII. Blockade.
XIV. Ratification.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two States, and being convinced that this object cannot be more effectually accomplished than by establishing, reciprocally, the commerce between the two States upon the firm basis of liberal and equitable principles, equally advantageous to both countries, have named to this end Plenipotentiaries, and have furnished them with the necessary full powers to treat, and in their name to conclude a treaty, to wit:

The President of the United States, Jonathan Russell, a citizen of the said United States, and now their Minister Plenipotentiary at the Court of Stockholm; and His Majesty the King of Sweden and Norway, His Excellency the Count Laurent d'Engeström, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, Knight Commander of the Orders of the King, Knight of the Order of Charles XIII, Grand Cross of the Orders of St. Etienne of Hungary, of the Legion of Honour of France, of the Black Eagle and of the Red Eagle of Prussia, and the Count Adolphe George de

[a] This treaty expired by its own limitations September 25, 1826, and was replaced by the treaty of 1827. See letters of Swedish and Norwegian ministers, respectively, as to treaties with those countries, pp. 1724–1300.

Mörner, his Counsellor of State, and Commander of the Order of the Polar Star;

And the said Plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

Article I.

There shall be between all the territories under the dominion of the United States of America, and of His Majesty the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other, into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound alone to conform to the laws and statutes of the two countries, respectively.

Article II.

No other or higher duties, imposts, or charges, whatsoever, shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway, of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries, respectively, if these articles were the growth, produce, or manufacture, of any other country. The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries, respectively, the articles which shall be exported for the other, cannot be charged with any duty, impost, or charge, whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture, of the territories of His Majesty the King of Sweden and Norway, or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway, or to or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their countries, or exporting from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, vice versa, the vessels of the United States, arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either

for the vessels or the cargoes, any other or higher duties, imposts, or charges, whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels, respectively.

That which is here above stipulated shall also extend to the Swedish colony of St. Barthelemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports, as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of St. Barthelemy, and there established and naturalized, and shall have there caused their vessels to be naturalized.

ARTICLE III.[a]

[His Majesty the King of Sweden and Norway agrees that all articles the growth, produce, or manufacture, of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported, directly or indirectly, from said Indies, may be likewise imported into its territories in vessels of the United States, and there shall not be paid, either for the said vessels or the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

[In order to avoid misapprehension in this respect, it is expressly declared, that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether mainland or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.]

ARTICLE IV.[a]

[The United States of America, on their part, agree that all articles the growth, produce, or manufacture, of the countries surrounding the Baltic Sea, or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported, directly or indirectly, from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels, or for the cargoes, any higher or other duties, imposts, or charges, whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

[In order to avoid all uncertainty in respect to the duties, imposts, or charges whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay on arriving in the ports of the other, with a cargo consisting partly of articles the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandize, which the said vessel is permitted to import by the preceding articles, it is agreed

[a] The Senate declined to give its advice and consent to the ratification of Articles III, IV, and VI, and the King of Sweden and Norway acceded.

that, in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandize only.]

Article V.

The high contracting parties grant mutually the liberty of having, in the places of commerce and ports of the other, Consuls, Vice-Consuls, or Commercial Agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that, in case of illegal or improper conduct in respect to the laws or government of the country to which they are sent, the said Consul, Vice-Consul, or Agent, may be either punished according to law, dismissed, or sent away, by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood, that the archives and documents relative to the affairs of the consulate shall be protected from all examinations, and shall be carefully preserved, being placed under the seal of the Consul and of the authority of the place where he shall have resided.

The Consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are entrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquility of the country in which the vessel may be, or that the Consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained; it being, nevertheless, understood, that this kind of judgment, or award, shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

Article VI.[a]

[In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, or manufacture of the contracting parties respectively, it is agreed that whatever the chief or intendant of the customs shall have designated and specified as such, in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway.]

[The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as

[a] The Senate declined to give its advice and consent to the ratification of Articles III, IV, and VI, and the King of Sweden and Norway acceded.

sufficient proof of the origin of the articles thus specified or designated to obtain for them admission into the ports of the United States accordingly.]

ARTICLE VII.

The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload or break bulk, shall have liberty to depart, and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, imposts, or charges, whatsoever, on the vessels or cargo, excepting only the duties of pilotage, when a pilot shall have been employed, or those of quayage, or light money, whenever these dues are paid in the same circumstances by the citizens of subjects of the country. It being, nevertheless, understood, that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation, and the places and ports into which it may be permitted to enter, which are in force with regard to the citizens or subjects of the country; and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

ARTICLE VIII.

It is also agreed that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes, whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder, without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country, into which vessels of the most favoured nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood that the duties, imposts, or charges, which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country be subjected to further duties in the same circumstances.

ARTICLE IX.

The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their mer-

chandise, all the rights and privileges of entrepot, which are enjoyed by the most favoured nations in the same ports.

Article X.

In case any vessel, belonging to either of the two States or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof, if the effects be sold, being claimed in a year and a day, by the owners, or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

Article XI.

It is agreed that vessels arriving direct from the United States, at a port under the dominion of His Majesty the King of Sweden and Norway, or from the ports of his said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived, but shall, after such visit, be permitted immediately to enter and discharge their cargoes; provided, always, that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected, or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected and subjected to quarantine.

Article XII.

The treaty of amity and commerce concluded at Paris in 1783, by the Plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty, in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same Plenipotentiaries; and the articles specified shall be considered to have as full force and vigour as if they were inserted word for word: provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

Article XIII.

Considering the distance of the respective countries of the two high contracting parties, and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant-vessel, belonging to one of the contracting parties, and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned, on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time, during the same voyage, to enter the same port of the enemy, while the blockade continues, shall be liable to detention and condemnation.

Article XIV.

The present treaty, when the same shall have been ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force, and be obligatory on the United States and His Majesty the King of Sweden and Norway, for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present treaty, and have thereunto set the seal of their arms. Done at Stockholm, the fourth day of September, in the year of Grace one thousand eight hundred and sixteen.

[SEAL.]	JONA. RUSSELL.
[SEAL.]	LE COMTE D'ENGESTRÖM.
[SEAL.]	LE COMTE A. G. DE MÖRNER.

1827.

TREATY OF COMMERCE AND NAVIGATION.[a]

Concluded July 4, 1827; ratification advised by the Senate January 7, 1828; ratified by the President; ratifications exchanged January 18, 1828; proclaimed January 19, 1828.

(Translation from the original, which is in the French language.)

ARTICLES.

I. Freedom of commerce and trade.
II. Shipping dues.
III. No discrimination on imports.
IV. No discrimination on exports.
V. Trade with St. Bartholomew.
VI. Coastwise trade.
VII. No discriminations in purchases.
VIII. Tonnage, etc., dues.
IX. No restriction on imports.
X. Transit privileges, bounties, etc.
XI. Shipping privileges.
XII. Discharge of cargoes.
XIII. Consular officers and powers.
XIV. Deserters from ships.
XV. Shipwrecks.
XVI. Quarantine.
XVII. Articles of former treaty revived.
XVIII. Blockade rules.
XIX. Duration.
XX. Ratification.
Separate article. Trade with Finland.

[a] The Marie (49 Fed. Rep., 286), The Welhaven (55 Fed. Rep., 80).
See letters from Swedish and Norwegian ministers, respectively, as to treaties with those countries, pp. 1724–1300.

In the name of the Most Holy and Indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with the desire of extending and consolidating the commercial relations subsisting between their respective territories, and convinced that this object cannot better be accomplished than by placing them on the basis of a perfect equality and reciprocity, have, in consequence, agreed to enter into negotiation for a new treaty of commerce and navigation; and to this effect have appointed Plenipotentiaries, to wit:

The President of the United States of America, John James Appleton, Chargé d'Affaires of the said States at the court of His Majesty the King of Sweden and Norway; and His Majesty the King of Sweden and Norway, the Sieur Gustave Count de Wetterstedt, his Minister of State and of Foreign Affairs, Knight Commander of his orders, Knight of the Orders of St. Andrew, St. Alexander Newsky, and St. Ann, of the first class, of Russia; Knight of the Order of the Red Eagle, of the first class, of Prussia; Grand Cross of the Order of Leopold, of Austria; one of the Eighteen of the Swedish Academy;

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

Article I.

The citizens and subjects of each of the two high contracting parties may, with all security for their persons, vessels, and cargoes, freely enter the ports, places, and rivers of the territories of the other, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories; to rent and occupy houses and warehouses for their commerce; and they shall enjoy, generally, the most entire security and protection in their mercantile transactions, on condition of their submitting to the laws and ordinances of their respective countries.

Article II.

Swedish and Norwegian vessels, and those of the island of St. Bartholomew, arriving either laden or in ballast, into the ports of the United States of America, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

And reciprocally, the vessels of the United States of America, arriving either laden or in ballast in the ports of the Kingdoms of Sweden and Norway, from whatever place they may come, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, and port charges, as well as to the perquisites of public officers, and all other duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever.

ARTICLE III.

All that may be lawfully imported into the United States of America in vessels of the said States may also be thereinto imported in Swedish and Norwegian vessels, and in those of the island of St. Bartholomew, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

And, reciprocally, all that may be lawfully imported into the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be thereinto imported in vessels of the United States of America, from whatever place they may come, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if imported in national vessels.

ARTICLE IV.

All that may be lawfully exported from the United States of America in vessels of the said States may also be exported therefrom in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

And, reciprocally, all that may be lawfully exported from the Kingdoms of Sweden and Norway in Swedish and Norwegian vessels, or in those of the island of St. Bartholomew, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if exported in national vessels.

ARTICLE V.

The stipulations contained in the three preceding articles are to their full extent applicable to the vessels of the United States of America, proceeding, either laden or not laden, to the colony of St. Bartholomew, in the West Indies, whether from the ports of the Kingdoms of Sweden and Norway or from any other place whatsoever, or proceeding from the said colony, either laden or not laden, whether bound for Sweden or Norway, or for any other place whatsoever.

ARTICLE VI.

It is expressly understood that the foregoing second, third, and fourth articles are not applicable to the coastwise navigation from one port of the United States of America to another port of the said States, nor to the navigation from one port of the Kingdom of

Sweden or of Norway to another, nor to that between the two latter countries; which navigation each of the two high contracting parties reserves to itself.

ARTICLE VII.

Each of the two high contracting parties engages not to grant in its purchases, or in those which might be made by companies or agents acting in its name or under its authority, any preference to importations made in its own vessels, or in those of a third Power, over those made in the vessels of the other contra[c]ting party.

ARTICLE VIII.

The two high contracting parties engage not to impose upon the navigation between their respective territories, in the vessels of either, any tonnage or other duties, of any kind or denomination, which shall be higher or other than those which shall be imposed on every other navigation except that which they have reserved to themselves, respectively, by the sixth article of the present treaty.

ARTICLE IX.

There shall not be established in the United States of America, upon the products of the soil or industry of the Kingdoms of Sweden and Norway, or of the island of St. Bartholomew, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties shall likewise be established upon articles of like nature the growth of any other country.

And, reciprocally, there shall not be established in the Kingdoms of Sweden and Norway, nor in the island of St. Bartholomew, on the products of the soil or industry of the United States of America, any prohibition or restriction of importation or exportation, nor any duties of any kind or denomination whatsoever, unless such prohibitions, restrictions, and duties be likewise established upon articles of like nature the growth of the island of St. Bartholomew, or of any other place, in case such importation be made into or from the Kingdoms of Sweden and Norway; or of the Kingdoms of Sweden and Norway, or of any other place, in case such importation or exportation be made into or from the island of St. Bartholomew.

ARTICLE X.

All privileges of transit, and all bounties and drawbacks which may be allowed within the territories of one of the high contracting parties upon the importation or exportation of any article whatsoever, shall likewise be allowed on the articles of like nature the products of the soil or industry of the other contracting party, and on the importations and exportations made in its vessels.

ARTICLE XI.

The citizens or subjects of one of the high contracting parties arriving with their vessels on the coasts belonging to the other, but not

wishing to enter the port, or, after having entered therein, not wishing to unload any part of their cargo, shall be at liberty to depart and continue their voyage without paying any other duties, imposts, or charges whatsoever, for the vessel and cargo, than those of pilotage, wharfage, and for the support of light-houses, when such duties shall be levied on national vessels in similar cases. It is understood, however, that they shall always conform to such regulations and ordinances concerning navigation, and the places and ports which they may enter, as are or shall be in force with regard to national vessels; and that the custom-house officers shall be permitted to visit them, to remain on board, and to take all such precautions as may be necessary to prevent all unlawful commerce, as long as the vessels shall remain within the limits of their jurisdiction.

ARTICLE XII.

It is further agreed that the vessels of one of the high contracting parties, having entered into the ports of the other, will be permitted to confine themselves to unloading such part only of their cargoes as the captain or owner may wish, and that they may freely depart with the remainder without paying any duties, imposts, or charges whatsoever, except for that part which shall have been landed, and which shall be marked upon and erased from the manifest exhibiting the enumeration of the articles with which the vessel was laden; which manifest shall be presented entire at the custom-house of the place where the vessel shall have entered. Nothing shall be paid on that part of the cargo which the vessel shall carry away, and with which it may continue its voyage to one or several other ports of the same country, there to dispose of the remainder of its cargo, if composed of articles whose importation is permitted, on paying the duties chargeable upon it; or it may proceed to any other country. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, must be paid at the first port where they shall break bulk, or unlade part of their cargoes; but that no duties, imposts, or charges of the same description shall be demanded anew in the ports of the same country which such vessels might afterwards wish to enter, unless national vessels be in similar cases subject to some ulterior duties.

ARTICLE XIII.

Each of the high contracting parties grants to the other the privilege of appointing, in its commercial ports and places, Consuls, Vice-Consuls, and Commercial Agents, who shall enjoy the full protection and receive every assistance necessary for the due exercise of their functions; but it is expressly declared that in case of illegal or improper conduct, with respect to the laws or Government of the country in which said Consuls, Vice-Consuls, or Commercial Agents shall reside, they may be prosecuted and punished conformably to the laws, and deprived of the exercise of their functions by the offended Government, which shall acquaint the other with its motives for having thus acted, it being understood, however, that the archives and documents relative to the affairs of the consulate shall be exempt from all search, and shall be carefully preserved under the seals of

the Consuls, Vice-Consuls, or Commercial Agents, and of the authority of the place where they may reside.

The Consuls, Vice-Consuls, or Commercial Agents, or the persons duly authorized to supply their places, shall have the right as such to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls, or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

ARTICLE XIV.

The said Consuls, Vice-Consuls, or Commercial Agents are authorized to require the assistance of the local authorities for the arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country; and for this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and, on this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country; but if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause.

It is understood, however, that, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XV.

In case any vessel of one of the high contracting parties shall have been stranded or shipwrecked, or shall have suffered any other damage on the coasts of the dominions of the other, every aid and assistance shall be given to the persons shipwrecked or in danger, and passports shall be granted to them to return to their country. The shipwrecked vessels and merchandise, or other proceeds, if the same shall have been sold, shall be restored to their owners, or to those entitled thereto, if claimed within a year and a day, upon paying such costs of salvage as would be paid by national vessels in the same circumstances; and the salvage companies shall not compel the acceptance of their services, except in the same cases, and after the same delays, as shall be granted to the captains and crews of national vessels.

Moreover, the respective Governments will take care that these companies no not commit any vexatious or arbitrary acts.

Article XVI.

It is agreed that vessels arriving directly from the United States of America, at a port within the dominions of His Majesty the King of Sweden and Norway, or from the territories of his said Majesty in Europe, at a port of the United States, and provided with a bill of health granted by an officer having competent power to that effect, at the ports whence such vessels shall have sailed, setting forth that no malignant or contagious diseases prevailed in that port, shall be subjected to no other quarantine than such as may be necessary for the visit of the health-officer of the port where such vessels shall have arrived; after which said vessels shall be allowed immediately to enter and unload their cargoes; provided, always, that there shall be on board no person who, during the voyage, shall have been attacked with any malignant or contagious diseases; that such vessels shall not, during their passage, have communicated with any vessel liable itself to undergo a quarantine; and that the country whence they came shall not, at that time, be so far infected or suspected that, before their arrival, an ordinance had been issued, in consequence of which all vessels coming from that country should be considered as suspected, and consequently subject to quarantine.

Article XVII.

The second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the treaty of amity and commerce concluded at Paris on the third of April, one thousand seven hundred eighty-three, by the Plenipotentiaries of the United States of America, and of His Majesty the King of Sweden, together with the first, second, fourth, and fifth separate articles, signed on the same day by the same Plenipotentiaries, are revived, and made applicable to all the countries under the dominion of the present high contracting parties, and shall have the same force and value as if they were inserted in the context of the present treaty; it being understood that the stipulations contained in the articles above cited shall always be considered as in no manner affecting the conventions concluded by either party with other nations, during the interval between the expiration of the said treaty of one thousand seven hundred eighty-three and the revival of said articles by the treaty of commerce and navigation concluded at Stockholm by the present high contracting parties, on the fourth of September, one thousand eight hundred and sixteen.

Article XVIII.

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom with respect to the various events which may take place, it is agreed that a merchant-vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be block-

aded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of said blockade, shall then subject themselves to be detained and condemned.

Article XIX.

The present treaty shall continue in force for ten years, counting from the day of the exchange of the ratifications; and if before the expiration of the first nine years neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months which will follow a similar notification, whatever the time at which it may take place.

Article XX.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged at Washington within the space of nine months from the signature, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present treaty by duplicates, and have affixed thereto the seals of their arms. Done at Stockholm the fourth of July, in the year of Grace one thousand eight hundred and twenty-seven.

[SEAL.] J. J. Appleton.
[SEAL.] G. Count de Wetterstedt.

Separate Article.

Certain relations of proximity and ancient connections having led to regulations for the importation of the products of the Kingdoms of Sweden and Norway into the Grand Duchy of Finland, and that of the products of Finland into Sweden and Norway, in vessels of the respective countries, by special stipulations of a treaty still in force, and whose renewal forms at this time the subject of a negotiation between the Courts of Sweden and Norway and Russia, said stipulations being in no manner connected with the existing regulations for foreign commerce in general, the two high contracting parties, anxious to remove from their commercial relations all kinds of ambiguity or motives of discussion, have agreed that the eighth, ninth, and tenth articles of the present treaty shall not be applicable either to the navigation and commerce above mentioned, nor, consequently, to the exceptions in the general tariff of custom-house duties, and in the regulations of navigation resulting therefrom, nor to the special advantages which are, or may be granted to the im-

portation of tallow and candles from Russia, founded upon equivalent advantages granted by Russia on certain articles of importation from Sweden and Norway.

The present separate article shall have the same force and value as if it were inserted word for word in the treaty signed this day, and shall be ratified at the same time.

In faith whereof we, the undersigned, by virtue of our respective full powers, have signed the present separate article, and affixed thereto the seals of our arms.

Done at Stockholm the fourth of July, one thousand eight hundred and twenty-seven.

[SEAL.] J. J. APPLETON.
[SEAL.] G. COUNT DE WETTERSTEDT.

1860.[a]

EXTRADITION CONVENTION.

Concluded March 21, 1860; ratification advised by the Senate June 26, 1860; ratified by the President December 14, 1860; ratifications exchanged December 20, 1860; proclaimed December 21, 1860.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Expenses.
IV. Delivery of citizens.
V. Political offenses.
VI. New crimes.
VII. Duration; ratification.

Whereas, it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties respectively, that persons committing certain crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly: The United States of America on the one part, and His Majesty the King of Sweden and Norway on the other part, having resolved to treat on this subject, have for that purpose appointed their respective Plenipotentiaries to negotiate and conclude a convention, that is to say:

The President of the United States of America, Lewis Cass, Secretary of State of the United States, and His Majesty the King of Sweden and Norway, Baron Nicholas William de Wetterstedt, Knight of the Orders of the Polar Star and of St. Olaff, Commander of the Order of Dannebrog of Denmark, his said Majesty's Minister Resident near the Government of the United States;

Who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.

It is agreed that the high contracting parties shall, upon mutual requisitions by them, their Diplomatic or Consular Agents, respec-

[a] This treaty was superseded as to Norway December 8, 1893, by the Treaty of June 7, 1893, and as to Sweden April 17, 1893, by the Treaty of January 14, 1893. See letters from Swedish and Norwegian ministers, respectively, as to treaties with those countries, pp. 1724–1300.

tively made, deliver up to justice all persons who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: Provided, that this surrender and delivery shall not be obligatory on either of the high contracting parties except upon presentation by the other, in original or in verified copy, of the judicial declaration or sentence establishing the culpability of the fugitive, and issued by the proper authority of the Government who claims the surrender, in case such sentence or declaration shall have been pronounced; said document to be drawn up and certified according to the forms prescribed by the laws of the country making the demand. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding party shall have furnished such proof of culpability as would have been sufficient to justify the apprehension and commitment for trial of the accused if the offence had been committed in the country where he shall have taken refuge.

ARTICLE II.

Persons shall be so delivered up who shall have been charged with or sentenced for any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning,) or attempt to commit murder; rape; piracy, (including mutiny on board a ship, whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel;) arson; robbery and burglary; forgery, and the fabrication or circulation of counterfeit money, whether coin or paper money; embezzlement by public officers, including appropriation of public funds.

ARTICLE III.

The expenses of any detention and delivery, effected in virtue of the preceding provisions, shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE IV.

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, any person who, according to the laws of the country where he shall be found, is a citizen or a subject of the same at the time his surrender is demanded.

ARTICLE V.

The provisions of the present convention shall not be applied to any crime or offence of a political character.

ARTICLE VI.

Whenever any person, accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories

of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE VII.

This convention shall not take effect until ten days after its publication, made according to the laws of the respective Governments.

It shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same.

It shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Sweden and Norway, and the ratifications shall be exchanged within ten months from the date of its signature, or earlier if possible.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed their seals.

Done in duplicate, at Washington, the twenty-first day of March, one thousand eight hundred and sixty, and the eighty-fourth year of the Independence of the United States.

[SEAL.] LEW. CASS.
[SEAL.] N. W. DE WETTERSTEDT.

1869.[a]

NATURALIZATION CONVENTION.

Concluded May 26, 1869; ratification of convention and protocol advised by the Senate with amendment December 9, 1870; ratified by the President December 17, 1870; ratifications exchanged June 14, 1871; exchange of ratifications consented to by the Senate January 8, 1872; proclaimed January 12, 1872.

ARTICLES.

I. Recognition of naturalization.
II. Liability for prior offenses.
III. Restoration to former citizenship.
IV. Extradition convention continued.
V. Duration.
VI. Ratification.

The President of the United States of America and His Majesty the King of Sweden and Norway, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to Sweden and Norway and their dependencies and territories, and from Sweden and Norway to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, Joseph J. Bartlett, Minister Resident; and His Majesty the King of Sweden

[a] See letters from Swedish and Norwegian ministers, respectively, as to treaties with those countries, pp. 1724 and 1300.

and Norway, Count Charles Wachtmeister, Minister of State for Foreign Affairs; who have agreed to and signed the following articles:

ARTICLE I.

Citizens of the United States of America who have resided in Sweden or Norway for a continuous period of at least five years, and during such residence have become and are lawfully recognized as citizens of Sweden or Norway, shall be held by the Government of the United States to be Swedish or Norwegian citizens, and shall be treated as such.

Reciprocally, citizens of Sweden or Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the Government of Sweden and Norway to be American citizens, and shall be treated as such.

The declaration of an intention to become a citizen of one or the other country has not for either party the effect of citizenship legally acquired.

ARTICLE II.

A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ARTICLE III.

If a citizen of the one party, who has become a recognized citizen of the other party, takes up his abode once more in his original country, and applies to be restored to his former citizenship, the Government of the last-named country is authorized to receive him again as a citizen, on such conditions as the said Government may think proper.

ARTICLE IV.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded betwen the United States on the one part and Sweden and Norway on the other part, the 21st March, 1860, remains in force without change.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years. If neither party shall have given the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by His Majesty the King of Sweden and Norway; and the ratifications shall be exchanged at Stockholm within twenty-four months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

STOCKHOLM, *May 26, 1869.*

[SEAL.] JOSEPH J. BARTLETT.
[SEAL.] C. WACHTMEISTER.

PROTOCOL.

Done at Stockholm, May 26, 1869.

The undersigned met to-day to sign the convention agreed upon in conformity with their respective full powers, relating to the citizenship of those persons who emigrate from the United States of America to Sweden and Norway, and from Sweden and Norway to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this convention, were entered in the following protocol:

I. Relating to the first articles of the convention.

It is understood that if a citizen of the United States of America has been discharged from his American citizenship, or, on the other side, if a Swede or a Norwegian has been discharged from his Swedish or Norwegian citizenship, in the manner legally prescribed by the Government of his original country, and then in the other country in a rightful and perfectly valid manner acquires citizenship, then an additional five years' residence shall no longer be required; but a person who has in that manner been recognized as a citizen of the other country shall, from the moment thereof, be held and treated as a Swedish or Norwegian citizen, and, reciprocally, as a citizen of the United States.

II. Relating to the second article of the convention.

If a former Swede or Norwegian, who under the first article is to be held as an adopted citizen of the United States of America, has emigrated after he has attained the age when he becomes liable to military service, and returns again to his original country, it is agreed that he remains liable to trial and punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the act of emigration itself, unless thereby have been committed any punishable action against Sweden or Norway, or against a Swedish or Norwegian citizen, such as non-fulfilment of military service, or desertion from the military force or from a ship, saving always the limitation established by the laws of the original country, and any other remission of liability to punishment; and that he can be held to fulfil, according to the laws, his military service, or the remaining part thereof.

III. Relating to the third article of the convention.

It is further agreed that if a Swede or Norwegian, who has become a naturalized citizen of the United States, renews his residence in Sweden or Norway without the intent to return to America, he shall be held by the Government of the United States to have renounced his American citizenship.

The intent not to return to America may be held to exist when a person so naturalized resides more than two years in Sweden or Norway.

[SEAL.] JOSEPH J. BARTLETT.
[SEAL.] C. WACHTMEISTER.

SWITZERLAND.

(SWISS CONFEDERATION.)

1847.[a]

Convention as to Property Rights.

Concluded May 18, 1847; ratification advised by the Senate April 26, 1848; ratified by the President April 29, 1848; ratifications exchanged May 3, 1848; proclaimed May 4, 1848.

Articles.

I. Disposition of property.
II. Real property of alien heirs.
III. Duration; ratification.

The President of the United States of America and the Federal Directory of the Swiss Confederation, animated by the desire to secure and extend by an amicable convention the relations happily existing between the two countries, have to this effect appointed as their Plenipotentiaries, to wit:

The President of the United States of America, James Buchanan, Secretary of State of the United States; and the Federal Directory of the Swiss Confederation, A. C. Cazenove, Swiss Consul at Alexandria;

Who, after the exchange of their full powers, found in good and due form, have agreed upon and signed the following articles:

Article I.

The citizens of each one of the high contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, either by testament, donation, or ab intestato, or in any other manner; and their heirs, being citizens of the other party, shall inherit all such personal estates, whether by testament or ab intestato, and they may take possession of the same, either personally or by attorney, and dispose of them as they may think proper, paying to the respective governments no other charges than those to which the inhabitants of the country in which the said property shall be found would be liable in a similar case; and in the absence of such heir, or heirs, the same care shall be taken of the property that would be taken in the like case for the preservation of the property of a citizen of the same country, until the lawful proprietor shall have had time to take measures for possessing himself of the same; and in case any dispute should arise between claimants to the same succession as to the property thereof, the question shall be decided according to the laws and by the judges of the country in which the property is situated.

[a] This convention was superseded by the convention of 1850.

ARTICLE II.

If, by the death of a person owning real property in the territory of one of the high contracting parties, such property should descend, either by the laws of the country or by testamentary disposition, to a citizen of the other party, who, on account of his being an alien, could not be permitted to retain the actual possession of such property, a term of not less than three years shall be allowed to him to dispose of such property, and to collect and withdraw the proceeds thereof, without paying to the Government any other charges than those which in a similar case would be paid by an inhabitant of the country in which such real property may be situated.

ARTICLE III.

The present convention shall be in force for the term of twelve years from the date hereof; and further, until the end of twelve months after the Government of the United States on the one part, or that of the Swiss Confederation on the other, shall have given notice of its intention of terminating the same.

This convention shall be ratified, and the ratifications shall be exchanged at Washington, within twelve months after its date, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at Washington, this eighteenth day of May, A. D. 1847, and of the Independence of the United States the seventy-first.

[SEAL.] JAMES BUCHANAN.
[SEAL.] ANT. CHS. CAZENOVE.

1850.[a]

CONVENTION OF FRIENDSHIP, COMMERCE, AND EXTRADITION.

Concluded November 25, 1850; ratification advised by the Senate with amendments March 7, 1851; ratified by the President March 12, 1851; ratification again advised by the Senate with amendment May 29, 1854; finally ratified by the President November 6, 1854; ratifications exchanged November 8, 1855; proclaimed November 9, 1855.

ARTICLES.

I. Personal and property privileges.
II. Civil duties and immunities.
III. Return of citizens.
IV. Passports.
V. Real and personal property rights.
VI. Civil suits.
VII. Consular officers and privileges.
VIII. Most favored nation commercial privileges. (Not in force.)
IX. Export and import duties. (Not in force.)
X. Future commercial privileges. (Not in force.)
XI. Differential duties. (Not in force.)
XII. Shipping; shipwrecks. (Not in force.)
XIII. Extradition of criminals.
XIV. Extraditable offenses.
XV. Surrender of accused.
XVI. Expenses.
XVII. Political offenses.
XVIII. Duration.
XIX. Ratification.

[a] NOTE.—Notice given on March 23, 1899, of intention of United States to arrest the operation of Articles VIII to XII, inclusive.

Articles XIII, XIV, XV, XVI, and XVII terminated by treaty concluded May 14, 1900 (p. 1771). (Haver *v.* Yaker, 9 Wall., 32.)

The United States of America and the Swiss Confederation, equally animated by the desire to preserve and to draw more closely the bonds of friendship which so happily exist between the two Republics, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of friendship, reciprocal establishments, commerce, and for the surrender of fugitive criminals. For this purpose they have appointed as their Plenipotentiaries, to wit:

The President of the United States, A. Dudley Mann, Special Agent of the United States on a mission to the Swiss Confederation; and the Swiss Federal Council, Henry Druey, President of the Swiss Confederation, Director of the Political Department, and Frederick Frey-Hérosée, member of the Federal Council, Director of the Department of Commerce and of Tolls;

Who, after a communication of their respective full powers, have agreed to the following articles:

Article I.

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, where such admission and treatment shall not conflict with the constitutional or legal provisions, as well federal as State and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional and legal provisions aforesaid, and yielding obedience to the laws, regulations, and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate or establish themselves permanently, the former in the Cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess, and alienate therein property, (as is explained in Article V;) to manage their affairs; to exercise their profession, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper; they shall have free access to the tribunals, and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native citizens, either by themselves or by such advocates, attorneys, or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment, or upon the enjoyment of the above-mentioned rights, than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

The foregoing privileges, however, shall not extend to the exercise of political rights, nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

Article II.

The citizens of one of the two countries, residing or established in the other, shall be free from personal military service; but they shall

be liable to the pecuniary or material contributions which may be required, by way of compensation, from citizens of the country where they reside, who are exempted from the said service.

No higher impost, under whatever names, shall be exacted from the citizens of one of the two countries, residing or established in the other, than shall be levied upon citizens of the country in which they reside, nor any contribution whatsoever to which the latter shall not be liable.

In case of war, or of expropriation for purposes of public utility, the citizens of one of the two countries, residing or established in the other, shall be placed upon an equal footing with the citizens of the country in which they reside with respect to indemnities for damages they may have sustained.

ARTICLE III.

The citizens of one of the two Republics, residing or established in the other, who shall desire to return to their country, or who shall be sent thither by a judicial decision, by an act of police, or in conformity with the laws and regulations on morals and mendicity, shall be received at all times and under all circumstances, they, their wives, and their legitimate issue, in the country to which they belong, and in which they shall have preserved their rights in conformity with the laws thereof.

ARTICLE IV.

In order to establish their character as citizens of the United States of America, or as citizens of Switzerland, persons belonging to the two contracting countries shall be bearers of passports, or of other papers in due form, certifying their nationality, as well as that of the members of their family, furnished or authenticated by a diplomatic or consular agent of their nation, residing in the one of the two countries which they wish to inhabit.

ARTICLE V.

The citizens of each one of the contracting parties shall have power to dispose of their personal property within the jurisdiction of the other, by sale, testament, donation, or in any other manner; and their heirs, whether by testament or ab intestato, or their successors, being citizens of the other party, shall succeed to the said property, or inherit it, and they may take possession thereof, either by themselves or by others acting for them; they may dispose of the same as they may think proper, paying no other charges than those to which the inhabitants of the country wherein the said property is situated shall be liable to pay in a similar case. In the absence of such heir, heirs, or other successors, the same care shall be taken by the authorities for the preservation of the property that would be taken for the preservation of the property of a native of the same country, until the lawful proprietor shall have had time to take measures for posessing himself of the same.

The foregoing provisions shall be applicable to real estate situated within the States of the American Union, or within the Cantons of the Swiss Confederation, in which foreigners shall be entitled to hold or inherit real estate.

But in case real estate situated within the territories of one of the contracting parties should fall to a citizen of the other party, who, on account of his being an alien, could not be permitted to hold such property in the State or in the Canton in which it may be situated, there shall be accorded to the said heir, or other successor, such term as the laws of State or Canton will permit to sell such property; he shall be at liberty at all times to withdraw and export the proceeds thereof without difficulty, and without paying to the Government any other charges than those which in a similar case would be paid by an inhabitant of the country in which the real estate may be situated.

ARTICLE VI.

Any controversy that may arise among the claimants to the same succession, as to whom the property shall belong, shall be decided according to the laws and by the judges of the country in which the property is situated.

ARTICLE VII.

The contracting parties give to each other the privilege of having, each, in the large cities and important commercial places of their respective States, Consuls and Vice-Consuls of their own appointment, who shall enjoy the same privileges and powers, in the discharge of their duties, as those of the most favored nations. But before any Consul [or Vice-Consul [a]] shall act as such, he shall, in the ordinary form, be approved of by the Government to which he is commissioned.

In their private and business transactions, Consuls and Vice-Consuls shall be submitted to the same laws and usages as private individuals, citizens of the place in which they reside.

It is hereby understood that in case of offence against the laws by a Consul or a Vice-Consul, the Government to which he is commissioned may, according to circumstances, withdraw his exequatur, send him away from the country, or have him punished in conformity with the laws, assigning to the other Government its reasons for so doing.

The archives and papers belonging to the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate, or other functionary, visit, seize, or in any way interfere with them.

ARTICLE VIII.

In all that relates to the importation, exportation, and transit of their respective products, the United States of America and the Swiss Confederation shall treat each other, reciprocally, as the most favored nation, union of nations, State, or society, as is explained in the following articles.

ARTICLE IX.

Neither of the contracting parties shall impose any higher or other duties upon the importation, exportation, or transit of the natural

[a] The words "or Vice-Consul" by a clerical error were omitted in the English text, but their equivalent "ou un Vice-Consul" is found in the French text.

or industrial products of the other, than are or shall be payable upon the like articles, being the produce of any other country, not embraced within its present limits.

ARTICLE X.

In order the more effectually to attain the object contemplated in Article VIII, each of the contracting parties hereby engages not to grant any favor in commerce to any nation, union of nations, State, or society, which shall not immediately be enjoyed by the other party.

ARTICLE XI.

Should one of the contracting parties impose differential duties upon the products of any nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products, destined to enter the country by which the differential duties are imposed.

ARTICLE XII.

The Swiss territory shall remain open to the admission of articles arriving from the United States of America; in like manner, no port of the said States shall be closed to articles arriving from Switzerland, provided they are conveyed in vessels of the United States, or in vessels of any country having free access to the ports of said States. Swiss merchandise arriving under the flag of the United States, or under that of one of the nations most favored by them, shall pay the same duties as the merchandise of such nation; under any other flag it shall be treated as the merchandise of the country to which the vessel belongs.

In case of shipwreck and of salvage on the coasts of the United States, Swiss merchandise shall be respected and treated as that belonging to citizens of the said States.

The United States consent to extend to Swiss products, arriving or shipped under their flag, the advantages which are or shall be enjoyed by the products of the most favored nation arriving or shipped under the same flag.

It is hereby understood that no stipulation of the present article shall in any manner interfere with those of the four aforegoing articles, nor with the measures which have been or shall be adopted by either of the contracting countries in the interest of public morality, security, or order.

ARTICLE XIII.

The United States of America and the Swiss Confederation, on requisitions made in their name through the medium of their respective Diplomatic or Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found.

ARTICLE XIV.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit:

Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery, or the emission of forged papers; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried to the detriment of their employers, when these crimes are subject to infamous punishment.

ARTICLE XV.

On the part of the United States, the surrender shall be made only by the authority of the Executive thereof; and on the part of the Swiss Confederation, by that of the Federal Council.

ARTICLE XVI.

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

ARTICLE XVII.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

ARTICLE XVIII.

The present convention is concluded for the period of ten years, counting from the day of the exchange of the ratifications; and if, one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

ARTICLE XIX.

This convention shall be submitted, on both sides, to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at the city of Washington as soon as circumstances shall admit.

In faith whereof, the respective Plenipotentiaries have signed the above articles, under reserve of the above-mentioned ratifications, both in the English and French languages, and they have thereunto affixed their seals.

Done in quadruplicate, at the city of Berne, this twenty-fifth day of November, in the year of our Lord one thousand eight hundred and fifty.

[SEAL.] A. DUDLEY MANN.
[SEAL.] H. DRUEY.
[SEAL.] F. FREY-HÉROSÉE.

1883.

Registration of Trade-Marks.

Dated April 27, 1883, and May 14, 1883.

Swiss Legation,
Washington, April 27, 1883.

To the Ministry of Foreign Affairs, Washington.

Mr. Secretary of State: The undersigned, Minister of the Swiss Confederation, has this day had the honor to receive your note of the 24th instant, whereby you had the kindness to acquaint him with your views concerning an exchange of declarations between the United States and the Swiss Confederation, relative to the mutual protection of trade marks.

The undersigned sees by the aforesaid note that you would prefer to make such an arrangement between the United States and Switzerland in the form of an exchange of notes, inasmuch as that form appears to you to be the most simple, and the best calculated to avoid the difficulties connected with the ratification of a declaration or a convention.

The undersigned has the honor to reply that, for his part, he attaches no special importance to the form of the arrangement, and that he thinks he may say that his Government likewise favors the method proposed by you. In fact, the undersigned, by a communication of the 6th of March last, laid before the Federal Council the text of your note of the 5th of that month, and, at the same time, he proposed to try an exchange of declarations, which, as regards the form, would coincide with your views. The Federal Council having consented thereto by its communication of March 30th, and having instructed the undersigned, with full powers, to make such an arrangement, the undersigned thinks that he represents the intentions of his Government by giving his adhesion to an exchange of notes.

As regards the question whether the principle of reciprocity is embodied in the Federal law of December 19, 1879, the undersigned has the honor to invite your attention to the text of Article 7, paragraph 2, of the Federal Law of December 19, 1879, and also to the contents of the message of the Federal Council relative thereto. In the aforesaid paragraph of the law of December 19, 1879, it is expressly provided that producers and merchants, whose business is carried on in a state *which accords the right of reciprocity to Swiss citizens*, may have their marks registered in the same manner as Swiss citizens. But one condition is added, viz., that foreigners shall be obliged to prove that these marks are *already* protected in the State to which they belong, the sole object of which reservation is to prevent foreigners from depositing, with fraudulent intent, under the protection of reciprocity, marks for which they cannot claim protection in their own country. The Federal Council, moreover, in its message of October 13, 1879, whereby it transmitted to the Federal Chambers a bill for the protection of trade-marks, made the following declaration touching trade-marks: "As regards foreign trade-marks we are of opinion *that Switzerland should stand upon the ground of reciprocity*, and that this is the only position that should be taken by us in the interest of our industry."

In view of this declaration, the Federal Chambers, in accepting, without material modification, the aforesaid paragraph 2 of Article 7 of the law in question, were without doubt actuated by a desire to embody the principle of full reciprocity in the law.

The undersigned takes the liberty, in conclusion, to ask your attention to the fact that the confederation has, since the promulgation of the aforesaid law, concluded a convention with various States for the protection of trade-marks upon the basis of reciprocity; for instance, with Great Britain, Belgium and the Netherlands; and that the Confederation, previously to the promulgation of that law, guaranteed, in its commercial treaties with France, Germany and Italy, protection in Switzerland for their trade-marks to the citizens or subjects of those States.

The undersigned thinks that he has, by the foregoing, furnished proof that the Confederation recognizes the principles of reciprocity, as regards the international protection of trade marks, as an integral part of its public law, and that the United States may, with the most perfect confidence, enter into such an arrangement with the Confederation.

The undersigned gladly awaits a kind reply from you, and he avails himself of this occasion to renew to you, Mr. Secretary of State, the assurance of his very distinguished consideration.

E. FREY.

DEPARTMENT OF STATE,
Washington, May 14, 1883.

Colonel FREY,
Etc., etc., etc.

COLONEL: I have the honor to acknowledge the receipt of your note of the 27th instant, concerning the reciprocal privilege of trade marks registration in the United States and Switzerland. It gives me much pleasure to accept your declaration as evidence that the law of Switzerland affords such a guarantee of reciprocity in the matter as will make the application of the privileges of the Act of Congress of March 3, 1881, to owners of trade marks in Switzerland proper and certain.

This exchange of notes accomplishes the end in view, of securing complete reciprocity under the legislation of the respective countries, and I have therefore communicated your note to the Secretary of the Interior, with this reply, and requested him to make the necessary regulation for admitting Swiss trade-marks to all the privileges of registration, which under that act pertain to the trade-marks of American origin.

Now that the immediate object of our late correspondence on the subject is attained, permit me to suggest that, with a view to rendering the engagements of this Government with foreign nations as uniform as possible, the Government would be pleased to conclude and sign with you, a formal trade mark convention, similar to that lately concluded with Spain, to which I have before referred and of which I enclose a printed copy herewith.[a] Our present diplomatic accord

[a] Convention of June 19, 1882, with Spain.

will, of course, hold good, until such formal convention can be made effective by ratification and exchange.

Accept, Colonel, etc.,

JOHN DAVIS,
Acting Secretary.

1891.

COPYRIGHT PROCLAMATION.

Proclaimed July 1, 1891.

See Belgium, p. 105.

1900.

EXTRADITION TREATY.

Concluded May 14, 1900; ratified by Senate June 5, 1900; ratified by President February 25, 1901; ratified by Switzerland January 21, 1901; ratifications exchanged February 27, 1901; proclaimed February 28, 1901.

ARTICLES.

I. Delivery of accused.
II. Extraditable crimes.
III. Attempts to commit extraditable crimes.
IV. Special court.
V. Procedure.
VI. Provisional detention.
VII. Political offenses.
VIII. Limitations.
IX. Prior offenses; surrender to third state.
X. Extradition deferred.
XI. Persons demanded by third state.
XII. Property seized with fugitive.
XIII. Expenses.
XIV. Annulling prior treaty; duration; ratification.

The Government of the United States of America and the Federal Council of the Swiss Confederation, with a view to the better administration of justice, have resolved to conclude a new Convention for the extradition of fugitive criminals, and, for that purpose, have appointed as their Plenipotentiaries, to wit:

The President of the United States of America: John Hay, Secretary of State of the United States; the Federal Council of the Swiss Confederation: J. B. Pioda, Envoy Extraordinary and Minister Plenipotentiary of Switzerland to the United States; Who, after communicating to each other their full powers, which were found in good and due form, have agreed upon the following Articles:

ARTICLE I.

The Government of the United States of America and the Swiss Federal Council bind themselves mutually to surrender such persons as, being charged with or convicted of any of the crimes or offenses enumerated hereinafter in Article II, committed in the territory of one of the contracting States, shall be found in the territory of the other State: Provided that this shall be done by the United States only upon such evidence of criminality as, according to the laws of

the place where the fugitive or person shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed. In Switzerland, the surrender shall be made in accordance with the laws in force in that country at the time of the demand.

Neither of the two Governments, however, shall be required to surrender its own citizens.

Article II.

Extradition shall be granted for the following crimes and offenses, provided they are punishable both under the laws of the place of refuge and under those of the State making the requisition, to wit:

1. Murder, including assassination, parricide, infanticide and poisoning; voluntary manslaughter.
2. Arson.
3. Robbery; burglary; house-breaking or shop-breaking.
4. The counterfeiting or forgery of public or private instruments; the fraudulent use of counterfeited or forged instruments.
5. The forgery, counterfeiting or alteration of coin, paper-money, public bonds and coupons thereof, bank notes, obligations, or other certificates or instruments of credit, the emission or circulation of such instruments of credit, with fraudulent intent; the counterfeiting or forgery of public seals, stamps or marks, or the fraudulent use of such counterfeited or forged articles.
6. Embezzlement by public officials, or by other persons, to the prejudice of their employers; larceny; obtaining money or other property by false pretences; receiving money, valuable securities or other property, knowing the same to have been embezzled, stolen or fraudulently obtained. The amount of money or the value of the property obtained or received by means of such criminal acts, must exceed 1000 francs.
7. Fraud or breach of trust, committed by a fiduciary, attorney, banker, administrator of the estate of a third party, or by the president, a member or an officer of a corporation or association, when the loss involved exceeds 1000 francs.
8. Perjury; subornation of perjury.
9. Abduction; rape; kidnapping of minors; bigamy; abortion.
10. Wilful and unlawful destruction or obstruction of railroads, endangering human life.
11. Piracy; wilful acts causing the loss or destruction of a vessel.

Article III.

Extradition shall likewise be granted for an attempt to commit, or participation in, any of the crimes and offenses enumerated in Article II, provided such attempt or participation is punishable in the United States as a felony, and in Switzerland with death, or confinement in a penitentiary or workhouse.

Article IV.

No extradited person shall be tried by a Special Court.

ARTICLE V.

Demands for the extradition of fugitive criminals shall be made by the diplomatic representative, or, in his absence, by one of the consular agents of the State making the requisition.

When the person whose extradition is asked has been *sentenced* for the offense which occasioned the demand for extradition, such demand shall be accompanied by a certified copy of the sentence pronounced; if the person demanded is merely *charged* with an offense, the demand shall be accompanied by a duly certified copy of the warrant of arrest issued by the competent magistrate of the country in which the offense was committed, and by certified copies of the depositions or other evidence upon the basis of which the warrant was issued. These documents shall contain an accurate statement of the offense charged, of the place where and the time when it was committed. They shall be accompanied by a certified copy of the provisions of law applicable to the offenses charged, as shown by statute or judicial decision, and by the evidence necessary to establish the identity of the person demanded.

The extradition procedure shall be governed by the regulations in force at the time of the demand, in the State upon which the demand is made.

ARTICLE VI.

When it is desired to procure the arrest of a fugitive, by telegraph or otherwise, before the regular papers have been presented, the procedure in the United States shall be to apply to a Judge or Magistrate authorized to issue warrants of arrest in extradition cases, and to present a complaint on oath, as provided by the laws of the United States.

To procure the provisional arrest of a fugitive in Switzerland, the diplomatic representative or a consular agent of the United States shall apply to the President of the Confederation who will order the necessary steps to be taken.

The provisional detention of a fugitive shall cease, and the person arrested shall be released, if a formal demand for extradition, accompanied by the necessary papers, is not presented, in the manner provided in the present Treaty, within two months after the day of arrest.

ARTICLE VII.

Extradition shall not be granted for political crimes or offenses. No person surrendered under the present Treaty, for a common crime, shall be prosecuted or punished for a political offense committed before his extradition.

If the question arises in a particular case, whether the offense committed is or is not of a political character, the Authorities of the State upon which the demand is made shall decide.

ARTICLE VIII.

Extradition shall not be granted when, under the laws of the State upon which the requisition is made, or under those of the State making the requisition, the criminal prosecution or penalty imposed is barred by limitation.

ARTICLE IX.

No person surrendered by either of the Contracting States to the other shall be prosecuted or punished for any offense committed before the demand for extradition, other than that for which the extradition is granted, unless he expressly consents to it in open Court, which consent shall be entered upon the record, or unless, having been at liberty during one month after his final release to leave the territory of the State making the demand, he has failed to make use of such liberty.

The State to which a person has been surrendered shall not surrender him to a third State, unless the provisions contained in the first paragraph of the present Article have been fulfilled.

ARTICLE X.

When the person whose extradition is demanded is prosecuted, or has been convicted, in the State of refuge, for another offense, the extradition may be postponed until the close of the criminal prosecution or the expiration of the penalty.

ARTICLE XI.

If the extradition of the person demanded by either of the two contracting States is likewise demanded by one or more other States, for offenses committed by the said person in the territory, preference shall be given to the State whose requisition is based upon the most serious offense, unless the State upon which the requisition is made is bound by Treaty to give preference to another.

If the offenses are of equal gravity, the demand first presented shall have preference, unless the State upon which the requisition is made is bound by Treaty to give preference to another State.

ARTICLE XII.

All articles seized which are in the possession of the person demanded, at the time of his arrest, shall, at the time of the extradition be delivered up with his person, and such delivery shall extend, not only to articles acquired by means of the offense with which the accused is charged, but to all other articles that may serve to prove the offense.

The rights of third parties to the articles in question shall, however, be duly respected.

ARTICLE XIII.

The expenses incurred in the arrest, detention, examination and surrender of the fugitive shall be borne by the State making the demand. The State making the demand shall not, however, be charged for the services of such officials of the Government upon which the demand is made, as receive a fixed salary; for the services of officials receiving only fees, no higher fees shall be charged than those to which such officials are entitled under the laws of the country for services rendered in ordinary criminal cases.

Article XIV.

The present treaty shall go into effect thirty days after the exchange of ratifications. This Treaty repeals Articles XIII, XIV, XV, XVI and XVII of the Treaty of November 25, 1850, between the Swiss Confederation and the United States of America; and the provisions in those Articles shall henceforward apply only to demands for extradition pending at the time when the present Treaty goes into effect.

The ratifications shall be exchanged at Washington as soon as possible. After the denunciation of this Treaty by either of the Contracting Governments, the Treaty shall still remain in force for six months after the day of denunciation.

In witness whereof, the respective Plenipotentiaries have signed the foregoing Articles, and have affixed their seals.

Done in duplicate at Washington, in the English and French languages, the 14th day of May 1900.

John Hay [seal.]
J. B. Pioda [seal.]

1906.

Reciprocity.[a]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A Proclamation.

Whereas the Government of Switzerland decreed the removal, on and after January 1, 1906, of all differential customs duties from the products of the soil and industry of the United States, and granted to the same the benefit of the Swiss conventional tariff rates, by which action in the judgment of the President reciprocal and equivalent concessions are established in favor of the said products of the United States:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, acting under the authority conferred by the third Section of the Tariff Act of the United States approved July 24, 1897, do hereby suspend during the continuance in force of the said concessions by the Government of Switzerland the imposition and collection of the duties imposed by the first Section of said Act upon the articles hereinafter specified, being the products of the soil and industry of Switzerland; and do declare in place thereof the following rates of duty provided in the third Section of said Act to be in force and effect from and after the date of this Proclamation, of which the officers and citizens of the United States will take due notice, namely:

Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Upon brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

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[a] Terminated on October 31, 1909, by the provisions of the Payne tariff act of 1909.

Upon still wines, and vermuth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this first day of January, in the year of our Lord one thousand nine hundred and six, [SEAL.] and of the Independence of the United States of America the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.

1908.

ARBITRATION CONVENTION.

Signed at Washington, February 29, 1908; ratification advised by the Senate, March 6, 1908; ratified by the President, May 29, 1908; ratifications exchanged at Washington, December 23, 1908; proclaimed, December 23, 1908.

ARTICLES.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America and the Government of the Swiss Confederation, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following arrangement:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Switzerland, by the Federal Council of the Swiss Confederation, with the advice and consent of the Federal Assembly.

ARTICLE III.

The present Convention is concluded for a period of five years, dating from the day of the exchange of the ratifications.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the Government of the Swiss Confederation in accordance with its constitution and laws.

The ratifications of this Convention shall be exchanged at Washington as soon as possible, and it shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and French languages, at Washington, this twenty-ninth day of February, in the year 1908.

ELIHU ROOT [L. S.]
L. VOGEL [L. S.]

TEXAS.[a]

1838.

Claims Convention.

Concluded April 11, 1838; ratification advised by the Senate June 13, 1838; ratified by the President June 21, 1838; ratifications exchanged July 6, 1838; proclaimed July 6, 1838.

Articles.

I. Indemnity to United States.
II. Payment of indemnity.
III. Ratifications.

Alcée La Branche, Chargé d'Affaires of the United States of America, near the Republic of Texas, acting on behalf of the said United States of America, and R. A. Irion, Secretary of State of the Republic of Texas, acting on behalf of the said Republic, have agreed to the following articles:

Article I.

The Government of the Republic of Texas, with a view to satisfy the aforesaid reclamations for the capture, seizure, and confiscation of the two vessels aforementioned, as well as for indemnity to American citizens who have suffered injuries from the said Government of Texas, or its officers, obliges itself to pay the sum of eleven thousand seven hundred and fifty dollars ($11,750) to the Government of the United States of America, to be distributed amongst the claimants by the said Government of the United States of America.

Article II.

The sum of eleven thousand seven hundred and fifty dollars, ($11,750,) agreed on in the first art[icle,] shall be paid in gold or silver, with interest at six per cent., one year after the exchange of the ratifications of this convention. The said payment shall be made at the seat of Government of the Republic of Texas, into the hands of such person or persons as shall be duly authorized by the Government of the United States of America to receive the same.

Article III.

The present convention shall be ratified, and the ratifications thereof shall be exchanged in the city of Washington, in the space of three months from this date, or sooner if possible.

[a] The admission of Texas into the United States December 29, 1845, rendered the treaties concluded in 1838 obsolete.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at the city of Houston on the eleventh day of the month of April, one thousand eight hundred and thirty-eight.

[SEAL.] ALCÉE LA BRANCHE.
[SEAL.] R. A. IRION.

1838.[a]

CONVENTION FOR MARKING BOUNDARY.

Concluded April 25, 1838; ratification advised by the Senate May 10, 1838; ratified by the President October 4, 1838; ratifications exchanged October 12, 1838; proclaimed October 13, 1838.

ARTICLES.

I. Boundary line.
II. Jurisdiction.
III. Ratification.

Whereas the treaty of limits made and concluded on the twelfth day of January, in the year of our Lord one thousand eight hundred and twenty-eight, between the United States of America on the one part and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States;

And whereas it is deemed proper and expedient, in order to prevent future disputes and collisions between the United States and Texas in regard to the boundary between the two countires as designated by the said treaty, that a portion of the same should be run and marked without unnecessary delay:

The President of the United States has appointed John Forsyth their Plenipotentiary, and the President of the Republic of Texas has appointed Memucan Hunt its Plenipotentiary;

And the said Plenipotentiaries, having exchanged their full powers, have agreed upon and concluded the following articles:

ARTICLE I.

Each of the contracting parties shall appoint a commissioner and surveyor, who shall meet, before the termination of twelve months from the exchange of the ratifications of this convention, at New Orleans, and proceed to run and mark that portion of the said boundary which extends from the mouth of the Sabine, where that river enters the Gulph of Mexico, to the Red River. They shall make out plans and keep journals of their proceedings, and the result agreed upon by them shall be considered as part of this convention, and shall have the same force as if it were inserted therein. The two Governments will amicably agree respecting the necessary articles to be furnished to those persons, and also as to their respective escorts, should such be deemed necessary.

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[a] Treaties with Texas rendered inoperative by admission of Texas into the United States.

Article II.

And it is agreed that until this line shall be marked out, as is provided for in the foregoing article, each of the contracting parties shall continue to exercise jurisdiction in all territory over which its jurisdiction has hitherto been exercised; and that the remaining portion of the said boundary line shall be run and marked at such time hereafter as may suit the convenience of both the contracting parties, until which time each of the said parties shall exercise, without the interference of the other, within the territory of which the boundary shall not have been so marked and run, jurisdiction to the same extent to which it has been heretofore usually exercised.

Article III.

The present convention shall be ratified, and the ratifications shall be exchanged at Washington, within the term of six months from the date hereof, or sooner if possible.

In witness whereof we, the respective Plenipotentiaries, have signed the same, and have hereunto affixed our respective seals.

Done at Washington this twenty-fifth day of April, in the year of our Lord one thousand eight hundred and thirty-eight, in the sixty-second year of the Independence of the United States of America, and in the third of that of the Republic of Texas.

[SEAL.] JOHN FORSYTH.
[SEAL.] MEMUCAN HUNT.

TONGA.

1886.

Treaty of Amity, Commerce, and Navigation.

Concluded October 2, 1886; ratification advised by the Senate, with amendment, January 19, 1888; ratified by the President February 7, 1888; ratifications exchanged August 1, 1888; proclaimed September 18, 1888.

Articles.

I. Amity.
II. Most favored nation privileges.
III. Trade privileges.
IV. Commerce and navigation; imports.
V. Shipping charges.
VI. Coaling station in Tonga.
VII. Privileges to steam mail ships.
VIII. Whaling and fishing ships.
IX. Personal exemptions.
X. Deserters from ships.
XI. Consular officers.
XII. Consular jurisdiction.
XIII. Religious freedom.
XIV. Duration.
XV. Ratification.

The United States of America, and the King of Tonga, mutually desirous of maintaining and strengthening their relations and interests; have resolved to conclude a treaty of amity, commerce and navigation; and to this end have empowered as their representatives: The President of the United States; George H. Bates, Special Commissioner of the United States to Tonga; And His Majesty, the King of Tonga; The Reverend Shirley Waldemar Baker, Premier of the Kingdom of Tonga; Who, after producing to each other their respective powers, have agreed upon the following Articles:—

Article I.

There shall be perpetual peace and amity between the United States of America and the King of Tonga, his heirs and his successors.

Article II.

The citizens of the United States shall always enjoy, in the dominions of the King of Tonga, and Tongan subjects shall always enjoy in the United States, whatever rights, privileges and immunities are now accorded to citizens or subjects of the most-favored nation; and no rights, privileges or immunities shall be granted hereafter to any foreign state or to the citizens or subjects of any foreign state by either of the High Contracting Parties, which shall not be also equally and unconditionally granted by the same to the other High Contracting Party, its citizens or subjects; it being understood that the Parties hereto affirm the principle of the law of nations that no

privilege granted for equivalent or on account of propinquity or other special conditions comes under the stipulations herein contained as to favored nations.

ARTICLE III.

Citizens of the United States in Tonga, and Tongans in the United States, may visit sojourn and trade in any part of the respective jurisdictions, and rent, occupy and improve lands and erect dwellings, offices and ware-houses thereon, subject to the laws and regulation of the country; which shall however in no case, except in respect of employment as laborers, be more restrictive than those imposed upon the citizens or subjects of the respective country, or upon the citizens or subjects of the most-favored nation.

ARTICLE IV.

There shall be reciprocal liberty of commerce and navigation between the United States and the Tonga Islands, and no duty of customs or other impost shall be charged upon any goods being the produce or manufacture of one country, when imported therefrom into the other country, other or higher than is charged upon the same, the produce or manufacture of or imported from any other country.

ARTICLE V.

No other or higher duties or charges on account of harbor dues, pilotage, quarantine, salvage in case of damage or ship-wreck or other shipping charges shall be imposed in the dominions of the King of Tonga on vessels of the United States, or in the United States on Tongan vessels, than are imposed on vessels belonging to the most-favored nation.

ARTICLE VI.

The ships-of-war of either of the High Contracting Parties may enter all ports, places and waters within the jurisdiction of the other, to anchor and remain, take in stores, refit and repair, subject to the laws and regulations of the country. To enable this privilege to be carried out in his dominions, the King of Tonga agrees to secure to the government of the United States by lease at nominal rent, with covenants of renewal, all rights of free use of necessary ground in any harbor of the Tonga Islands which shall be mutually agreed upon, for the purpose of establishing a permanent coaling and repair-station, the rights of Tongan sovereignty therein being fully reserved and admitted; and in selecting a station for this purpose, due regard shall be had for any similar concession which the King of Tonga has or may have granted by treaty to any other government.

ARTICLE VII.

All steam vessels which may be employed by the Government of the United States in the carrying of their mails in and across the Pacific Ocean shall have free access to all ports of the Tonga Islands, and shall be there subject only to one-third of the usual harbor and

pilotage dues, provided that no vessel shall be entitled to such exemption except upon condition of carrying free of charge the Tongan mails to ports of destination and call of such vessel.

Article VIII.

The whaling or fishing vessels of the United States shall have free access to the ports and harbors of Tonga, and in the ports of entry thereof shall be permitted to barter or trade their supplies or goods for provisions for the use of their own vessels and crews, without being subject to the law relative to trading licenses, and shall be subject to no port-, or harbor-dues or pilotage whatever; but this privilege of barter and trade shall not include the supplying of spirituous liquors, or arms or ammunition to the Tongans. And such whaling or fishing vessels shall, after having entered any port of entry in the Tonga Islands, be at liberty to anchor off any island or reef thereof, for the purpose of whaling or boiling down; provided, such vessel does not anchor within the distance of three nautical miles from any inhabited town,—but nothing in this clause shall be so construed as to permit infringement of the quarantine laws of the dominions of the King of Tonga.

Article IX.

All citizens of the United States residing in the Tonga Islands, and Tongan subjects residing in the United States, shall be exempted from all compulsory military service whether by sea or land, and from all forced loans, military requisitions and quartering of troops. They shall, moreover, not be compelled to pay any other or higher taxes or license fees, or personal dues of any kind, than are or may be paid by the citizens or subjects of the High Contracting Party levying the same.

Article X.

Should any member of the ship's company desert from a vessel-of-war or merchant vessel of either of the High Contracting Parties, while such vessel is within the territorial jurisdiction of the other, the local authorities shall render all lawful assistance for the apprehension of such deserter, on application to that effect made by the Consul of the High Contracting Party concerned, or if there be no Consul, then by the master of the vessel.

Article XI.

Each of the High Contracting Parties may appoint Consuls, Vice-Consuls, Commercial Agents and Vice-Commercial Agents, for the protection of trade, to reside in the territory of the other High Contracting Party; but before any Consular officer so appointed shall act as such, he shall in the usual form be approved of and admitted by the Government of the country to which he is sent; and all such Consular officers shall enjoy the same privileges and powers with those of the most favored nation.

ARTICLE XII.

Consuls and Consular representatives of the United States in Tonga shall have all jurisdictional rights over civil and criminal matters concerning their own citizens and vessels, in conformity with the statutes of the United States and the law of nations; and they may call upon the authorities of Tonga for aid in making arrests or enforcing judgments: And, Citizens of the United States charged with committing offenses against Tongans shall be amenable only to the Consular jurisdiction and shall be punished according to the law of the United States: and Tongans charged with committing offenses against citizens of the United States shall be tried by Tongan courts and punished according to Tongan law.

Claims of a civil nature against citizens of the United States shall be cognizable only in the Consular jurisdiction, and Tongan Courts shall be open to citizens of the United States to prosecute such claims against Tongans, according to law: Provided that citizens of the United States charged with violations of laws and regulations of Tonga relating to customs, taxation, public health and local police not cognizable as such under the laws of the United States, shall be amenable to the jurisdiction of the Tongan Courts upon notice to the nearest U. S. Consul or Commercial Agent, if there be one resident in Tonga, who shall have the right to be present at the trial and to direct or provide for the defense of the accused; the proceedings at all such trials shall be public and accessible.

ARTICLE XIII.

Perfect and entire freedom of conscience and worship, with right of sepulture according to their creed, shall be enjoyed by the citizens or subjects of either of the High Contracting Parties within the jurisdiction of the other.

ARTICLE XIV.

This Treaty shall become effective upon promulgation and shall continue in force for ten years, and thereafter until one year after notice shall have been given by one of the High Contracting Parties to the other of its desire to terminate the same: save and except as to Article VI. (relative to the establishment of a coaling-station), which shall be terminable only by mutual consent.

ARTICLE XV.

This Treaty shall be ratified and the ratifications exchanged at Nukualofa as soon as possible.

This Treaty is executed in duplicate, one copy being in English and the other in Tongan, both versions having the same meaning and intention, but the English version shall be considered the original, and shall control in case of any variance.

In witness whereof, the respective plenipotentiaries have signed this Treaty, and thereunto affixed their respective seals.

Done in the harbor of Nukualofa, in Tongatabu, on board the United States Steamer, "Mohican," this second day of October, in the year of our Lord, one thousand, eight hundred and eighty-six.

GEO. H. BATES. [SEAL.]
SHIRLEY W. BAKER [SEAL.]

TRIPOLI.

1796.[a]

Peace and Friendship.

Articles.

I. Peace.
II. Enemy's goods.
III. Enemy's vessels.
IV. Passports.
V. Prize vessels.
VI. Vessels in ports.
VII. Shipwrecks.
VIII. Neutrality of ports.
IX. Commerce.
X. Price of peace.
XI. Religious liberty.
XII. Disputes.

Article I.

There is a firm and perpetual peace and friendship between the United States of America and the Bey and subjects of Tripoli of Barbary, made by the free consent of both parties, and guaranteed by the Most Potent Dey and Regency of Algiers.

Article II.

If any goods belonging to any nation with which either of the parties is at war, shall be loaded on board of vessels belonging to the other party, they shall pass free, and no attempt shall be made to take or detain them.

Article III.

If any citizens, subjects, or effects belonging to either party, shall be found on board a prize-vessel taken from an enemy by the other party, such citizens or subjects shall be set at liberty and the effects restored to the owners.

Article IV.

Proper passports are to be given to all vessels of both parties, by which they are to be known. And considering the distance between the two countries, eighteen months from the date of this treaty shall be allowed for procuring such passports. During this interval, the other papers belonging to such vessels shall be sufficient for their protection.

Article V.

A citizen or subject of either party having bought a prize-vessel condemned by the other party or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for one year; this being a reasonable time for her to procure a proper passport.

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[a] This treaty was superseded by the treaty of 1805.

ARTICLE VI.

Vessels of either party putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price. And if any such vessel shall so put in from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbark her cargo, without paying any duties. But in no case shall she be compelled to land her cargo.

ARTICLE VII.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her people—no pillage shall be allowed; the property shall remain at the disposition of the owners, and the crew protected and succoured till they can be sent to their country.

ARTICLE VIII.

If a vessel of either party should be attacked by an enemy within gun shot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked, when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

ARTICLE IX.

The commerce between the United States and Tripoli; the protection to be given to merchants, masters of vessels and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls are declared to be on the same footing with those of the most favoured nations respectively.

ARTICLE X.

The money and presents demanded by the Bey of Tripoli, as a full and satisfactory consideration on his part, and on the part of his subjects, for this treaty of perpetual peace and friendship, are acknowledged to have been received by him previous to his signing the same, according to a receipt which is hereto annexed; except such part as is promised on the part of the United States, to be delivered and paid by them on the arrival of their Consul in Tripoli, of which part a notice is likewise hereto annexed. And no pretence of any periodical tribute or farther payment is ever to be made by either party.

ARTICLE XI.

As the Government of the United States of America is not in any sense founded on the Christian Religion; as it has in itself no character of enmity against the laws, religion, or tranquillity of Mussulmen; and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries.

ARTICLE XII.

In case of any dispute arising from the violation of any of the articles of this treaty, no appeal shall be made to arms, nor shall war be declared on any pretext whatever. But if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, an amicable referrence shall be made to the mutual friend of the parties, the Dey of Algiers, the parties hereby engaging to abide by his decision. And he, by virtue of his signature to this treaty, engages for himself and his successors to declare the justice of the case according to the true interpretation of the treaty, and to use all the means in his power to enforce the observance of the same.

Signed and sealed at Tripoli of Barbary, the 3d day of Jumad, in the year of the Hegira 1211, corresponding with the 4th day of November, 1796, by

[SEAL.]	JUSSUF BASHAW MAHOMET, *Bey.*
[SEAL.]	MAMET, *Treasurer.*
[SEAL.]	AMET, *Minister of Marine.*
[SEAL.]	AMET, *Chamberlain.*
[SEAL.]	ALLY, *Chief of the Divan.*
[SEAL.]	SOLIMAN KAYA.
[SEAL.]	GALIL, *General of the Troops.*
[SEAL.]	MAHOMET, *Comt. of the City.*
[SEAL.]	MAMET, *Secretary.*

Signed and sealed at Algiers, the 4th day of Argil, 1211, corresponding with the 3d day of January, 1797, by

[SEAL.] HASSAN BASHAW, *Dey.*

And by the Agent Plenipotentiary of the United States of America,

[SEAL.] JOEL BARLOW.

I, Joel Barlow, Agent and Consul General of the United States of America, for the City and Kingdom of Algiers, certify and attest that the foregoing is a true copy of the treaty, concluded between the said United States and the Bey and subjects of Tripoli of Barbary, of which the original is to be transmitted by me to the Minister of the said United States, in Lisbon.

In testimony whereof, I sign these presents with my hand, and affix thereto the seal of the Consulate of the United States, at Algiers, this 4th day of January, 1797.

[SEAL.] JOEL BARLOW.

To all to whom these presents shall come or be made known:

Whereas the under-written David Humphreys hath been duly appointed Commissioner Plenipotentiary, by letters-patent under the signature of the President and seal of the United States of America, dated the 30th of March, 1795, for negotiating and concluding a treaty of peace with the most illustrious the Bashaw, Lords and Governors of the City and Kingdom of Tripoli: Whereas, by a writing under his hand and seal, dated the 10th of February, 1796, he did, (in conformity to the authority committed me therefor,) con-

stitute and appoint Joel Barlow, and Joseph Donaldson, junior, agents, jointly and separately in the business aforesaid: Whereas the annexed treaty of peace and friendship was agreed upon, signed and sealed at Tripoli of Barbary, on the 4th of November, 1796, in virtue of the powers aforesaid, and guaranteed by the Most Potent Dey and Regency of Algiers: And whereas the same was certified at Algiers on the 3d of January, 1797, with the signature and seal of Hassan Bashaw, Dey, and of Joel Barlow, one of the agents aforesaid, in the absence of the other.

Now, know ye, that I, David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained, reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof, I have signed the same with my name and seal, at the city of Lisbon, this 10th of February, 1797.

[SEAL.] DAVID HUMPHREYS.

1805.

TREATY OF PEACE AND AMITY.

Concluded June 4, 1805; ratification advised by the Senate April 12, 1806.

ARTICLES.

I. Peace, friendship, and commerce.
II. Exchange of prisoners.
III. Withdrawal of United States forces.
IV. Neutral rights.
V. Liberation of captive citizens.
VI. Ships' passports.
VII. Purchase of prizes.
VIII. Asylum for supplies.
IX. Shipwrecks.
X. Assistance to vessels in territorial waters.
XI. Most favored nation commercial privileges.
XII. Consular responsibility in Tripoli.
XIII. Salutes to naval vessels.
XIV. Religious freedom, etc.
XV. Settlement of disputes.
XVI. Treatment of prisoners.
XVII. Captured vessels.
XVIII. Judicial power of consul.
XIX. Homicides, etc.
XX. Estates of deceased persons; ratification.

ARTICLE I.

There shall be from the conclusion of this treaty a firm, inviolable, and universal peace, and a sincere friendship, between the President and citizens of the United States of America, on the one part, and the Bashaw, Bey, and subjects of the Regency of Tripoli, in Barbary, on the other, made by the free consent of both parties, and on the terms of the most favoured nation. And if either party shall hereafter grant to any other nation any particular favour or privilege in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, but where the grant is conditional, it shall be at the option of the contracting parties to accept, alter, or reject such conditions, in such manner as shall be most conducive to their respective interests.

ARTICLE II.

The Bashaw of Tripoli shall deliver up to the American squadron now off Tripoli all the Americans in his possession, and all the subjects of the Bashaw of Tripoli now in the power of the United States of America shall be delivered up to him; and as the number of Americans in possession of the Bashaw of Tripoli amounts to three hundred persons, more or less, and the number of Tripoline subjects in the power of the Americans to about one hundred, more or less, the Bashaw of Tripoli shall receive from the United States of America the sum of sixty thousand dollars, as a payment for the difference between the prisoners herein mentioned.

ARTICLE III.

All the forces of the United States which have been or may be in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere within the dominions of the said Bashaw, shall be withdrawn therefrom; and no supplies shall be given by or in behalf of the said United States, during the continuance of this peace, to any of the subjects of the said Bashaw who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who has co-operated with them at Derne, &c., to withdraw from the territory of the said Bashaw of Tripoli, but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

ARTICLE IV.

If any goods belonging to any nation with which either of the parties are at war should be loaded on board vessels belonging to the other party, they shall pass free and unmolested, and no attempts shall be made to take or detain them.

ARTICLE V.

If any citizens or subjects, with their effects, belonging to either party, shall be found on board a prize vessel taken from an enemy by the other party, such citizens or subjects shall be liberated immediately, and their effects so captured shall be restored to their lawful owners, or their agents.

ARTICLE VI.

Proper passports shall immediately be given to the vessels of both the contracting parties, on condition that the vessels of war belonging to the Regency of Tripoli, on meeting with merchant-vessels belonging to citizens of the United States of America, shall not be permitted to visit them with more than two persons besides the rowers; these two only shall be permitted to go on board said vessel, without first obtaining leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to

proceed on her voyage; and should any of the said subjects of Tripoli insult or molest the commander, or any other person on board a vessel so visited, or plunder any of the property contained in her, on complaint being made by the Consul of the United States of America resident at Tripoli, and on his producing sufficient proof to substantiate the fact, the commander or rais of said Tripoline ship or vessel of war, as well as the offenders, shall be punished in the most exemplary manner. All vessels of war belonging to the United States of America, on meeting with a cruizer belonging to the Regency of Tripoli, on having seen her passport and certificate from the Consul of the United States of America residing in the Regency, shall permit her to proceed on her cruize unmolested, and without detention. No passport shall be granted by either party to any vessels, but such as are absolutely the property of citizens or subjects of said contracting parties, on any pretence whatever.

ARTICLE VII.

A citizen or subject of either of the contracting parties, having bought a prize-vessel, condemned by the other party, or by any other nation, the certificate of condemnation and bill of sale shall be a sufficient passport for such vessel for two years, which, considering the distance between the two countries, is no more than a reasonable time for her to procure proper passports.

ARTICLE VIII.

Vessels of either party, putting into the ports of the other, and having need of provisions or other supplies, they shall be furnished at the market price, and if any such vessel should so put in, from a disaster at sea, and have occasion to repair, she shall be at liberty to land and reimbark her cargo without paying any duties; but in no case shall she be compelled to land her cargo.

ARTICLE IX.

Should a vessel of either party be cast on the shore of the other, all proper assistance shall be given to her and her crew. No pillage shall be allowed, the property shall remain at the disposition of the owners, and the crew protected and succoured, till they can be sent to their country.

ARTICLE X.

If a vessel of either party shall be attacked by an enemy within gunshot of the forts of the other, she shall be defended as much as possible. If she be in port, she shall not be seized or attacked when it is in the power of the other party to protect her; and when she proceeds to sea, no enemy shall be allowed to pursue her from the same port within twenty-four hours after her departure.

ARTICLE XI.

The commerce between the United States of America and the Regency of Tripoli; the protections to be given to merchants, masters

of vessels, and seamen; the reciprocal right of establishing Consuls in each country, and the privileges, immunities, and jurisdictions to be enjoyed by such Consuls, are declared to be on the same footing with those of the most favoured nations, respectively.

Article XII.

The Consul of the United States of America shall not be answerable for debts contracted by citizens of his own nation, unless he previously gives a written obligation so to do.

Article XIII.

On a vessel of war belonging to the United States of America, anchoring before the city of Tripoli, the Consul is to inform the Bashaw of her arrival, and she shall be saluted with twenty-one guns, which she is to return in the same quantity or number.

Article XIV.

As the Government of the United States of America has in itself no character of enmity against the laws, religion, or tranquility of Musselmen, and as the said States never have entered into any voluntary war or act of hostility against any Mahometan nation, except in the defence of their just rights to freely navigate the high seas, it is declared by the contracting parties, that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two nations. And the Consuls and Agents of both nations respectively, shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house at hours of prayer. The Consuls shall have liberty and personal security given them to travel within the territories of each other both by land and sea, and shall not be prevented from going on board any vessel that they may think proper to visit. They shall have likewise the liberty to appoint their own drogaman and brokers.

Article XV.

In case of any dispute arising, from the violation of any of the articles of this treaty, no appeal shall be made to arms; nor shall war be declared on any pretext whatever; but if the Consul residing at the place where the dispute shall happen shall not be able to settle the same, the Government of that country shall state their grievances in writing, and transmit it to the Government of the other; and the period of twelve callendar months shall be allowed for answers to be returned, during which time no act of hostility shall be permitted by either party; and in case the grievances are not redressed, and war should be the event, the Consuls and citizens or subjects of both parties, reciprocally, shall be permitted to embark with their effects unmolested on board of what vessel or vessels they shall think proper.

Article XVI.

If, in the fluctuation of human events, a war should break out between the two nations, the prisoners captured by either party shall

not be made slaves, but shall be exchanged rank for rank. And if there should be a deficiency on either side, it shall be made up by the payment of five hundred Spanish dollars for each captain, three hundred dollars for each mate and supercargo, and one hundred Spanish dollars for each seaman so wanting. And it is agreed that prisoners shall be exchanged in twelve months from the time of their capture; and that this exchange may be effected by any private individual legally authorized by either of the parties.

Article XVII.

If any of the Barbary States, or other Powers, at war with the United States of America, shall capture any American vessel, and send her into any of the ports of the Regency of Tripoli, they shall not be permitted to sell her, but shall be obliged to depart the port, on procuring the requisite supplies of provisions; and no duties shall be exacted on the sale of prizes, captured by vessels sailing under the flag of the United States of America, when brought into any port in the Regency of Tripoli.

Article XVIII.

If any of the citizens of the United States, or any persons under their protection, shall have any dispute with each other, the Consul shall decide between the parties, and whenever the Consul shall require any aid or assistance from the Government of Tripoli to enforce his decisions, it shall immediately be granted to him, and if any dispute shall arise between any citizen of the United States and the citizens or subjects of any other nation having a Consul or Agent at Tripoli; such dispute shall be settled by the Consuls or Agents of the respective nations.

Article XIX.

If a citizen of the United States should kill or wound a Tripoline, or, on the contrary, if a Tripoline shall kill or wound a citizen of the United States, the law of the country shall take place, and equal justice shall be rendered, the Consul assisting at the trial; and if any delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever.

Article XX.

Should any citizen of the United States of America die within the limits of the Regency of Tripoli, the Bashaw and his subjects shall not interfere with the property of the deceased, but it shall be under the immediate direction of the Consul, unless otherwise disposed of by will. Should there be no Consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them, when they shall render an account of the property. Neither shall the Bashaw or his subjects give hindrance in the execution of any will that may appear.

Whereas the undersigned, Tobias Lear, Consul General of the United States of America, for the Regency of Algiers, being duly appointed Commissioner, by letters patent under the signature of the President and seal of the United States of America, bearing date at the city of Washington, the 18th day of November, 1803, for negociating and concluding a treaty of peace between the United States of America, and the Bashaw, Bey, and subjects of the Regency of Tripoli in Barbary.

Now know ye, that I, Tobias Lear, Commissioner as aforesaid, do conclude the foregoing treaty, and every article and clause therein contained, reserving the same, nevertheless, for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

Done at Tripoli, in Barbary the fourth day of June, in the year one thousand eight hundred and five, corresponding with the sixth day of the first month of Rabbia, 1220.

TOBIAS LEAR.

Having appeared in our presence, Colonel Tobias Lear, Consul-General of the United States of America, in the Regency of Algiers, and Commisisoner for negociating and concluding a treaty of peace and friendship between us and the United States of America, bringing with him the present treaty of peace, with the within articles, they were by us minutely examined, and we do hereby accept, confirm, and ratify them, ordering all our subjects to fulfill entirely their contents without any violation, and under no pretext.

In witness whereof we, with the heads of our Regency, subscribe it.

Given at Tripoli, in Barbary, the sixth day of the first month of Rabbia, 1220, corresponding with the fourth day of June, 1805.

[SEAL.]	JUSUF CARAMANLY, *Bashaw.*
[SEAL.]	MOHAMET CARABNANLY, *Bey.*
[SEAL.]	MOHAMET, *Kahia.*
[SEAL.]	HAMET, *Rais de Marine.*
[SEAL.]	MOHAMET, DGHIES, *First Minister.*
[SEAL.]	SALAH, *Aga of Divan.*
[SEAL.]	SELIM, *Hasnadar.*
[SEAL.]	MURAT, *Dulartile.*
[SEAL.]	MURAT RAIS, *Admiral.*
[SEAL.]	SOLIMAN, *Kehia.*
[SEAL.]	ABDALLA, *Basa Aga.*
[SEAL.]	MOHAMET, *Scheig al Belad.*
[SEAL.]	ALLI BEN DIAB, *First Secretary.*

TUNIS.

1797.[a]

Treaty of Amity, Commerce, and Navigation.

Concluded August 1797; ratification advised by the Senate, with amendments, March 6, 1798; alterations concluded March 26, 1799; ratification again advised by the Senate December 24, 1799.

Articles.

I. Amity.
II. Restoration of property captured.
III. Rights of vessels.
IV. Ships' passports.
V. Ships under convoy.
VI. Search of ships.
VII. Vessels purchased.
VIII. Asylum for supplies and shelter.
IX. Shipwrecks.
X. Protection of ships in territorial waters.
XI. Salutes to naval vessels.
XII. Trading rights and privileges.
XIII. Enemies' subjects serving as sailors.
XIV. Import duties.
XV. Freedom of commerce; prohibitions.
XVI. Anchorage charges.
XVII. Consuls.
XVIII. Responsibility for debts.
XIX. Effects of deceased persons.
XX. Jurisdiction of consuls.
XXI. Homicides, etc.
XXII. Civil suits.
XXIII. Settlement of disputes.

God is infinite.

Under the auspices of the greatest, the most powerful of all the Princes of the Ottoman nation who reign upon the earth, our most glorious and most august Emperor, who commands the two lands and the two seas, Selim Kan, the victorious son of the Sultan Moustafa, whose realm may God prosper until the end of ages, the support of Kings, the Seal of Justice, the Emperor of Emperors.

The Most Illustrious and Most Magnificent Prince, Hamouda Pacha, Bey, who commands the Odgiak of Tunis, the abode of happiness, and the Most Honored Ibrahim Dey, and Soliman, Aga of the Janissaries, the Chief of the Divan, and all the Elders of the Odgiak; and the Most Distinguished and Honored President of the Congress of the United States of America, the most distinguished among those who profess the religion of the Messiah, of whom may the end be happy.

We have concluded between us the present treaty of peace and friendship, all the articles of which have been framed by the intervention of Joseph Stephen Famin, French merchant residing at Tunis, Chargé d'Affaires of the United States of America, which stipulations and conditions are comprised in twenty-three articles, written and expressed in such manner as to leave no doubt of their contents, and in such way as not to be contravened.

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[a] Treaties with Tunis superseded by treaty between United States and France of May 9, 1904.

ARTICLE I.

There shall be a perpetual and constant peace between the United States of America and the Magnificent Pacha, Bey of Tunis; and also a permanent friendship, which shall more and more increase.

ARTICLE II.

If a vessel of war of the two nations shall make prize of an enemy's vessel, in which may be found effects, property, and subjects of the two contracting parties, the whole shall be restored: the Bey shall restore the property and subjects of the United States, and the latter shall make a reciprocal restoration, it being understood on both sides that the just right to what is claimed shall be proved.

ARTICLE III.

Merchandise belonging to any nation which may be at war with one of the contracting parties, and loaded on board of the vessels of the other, shall pass without molestation, and without any attempt being made to capture or detain it.

ARTICLE IV.

On both sides sufficient passports shall be given to vessels, that they may be known and treated as friendly; and, considering the distance between the two countries, a term of eighteen months is given, within which term respect shall be paid to the said passports, without requiring the congé or document, (which, at Tunis, is called testa,) but after the said term the congé shall be presented.

ARTICLE V.

If the corsairs of Tunis shall meet at sea with ships of war of the United States, having under their escort merchant-vessels of their nation, they shall not be searched or molested; and in such case the commanders shall be believed upon their word, to exempt their ships from being visited, and to avoid quarantine. The American ships of war shall act in like manner towards merchant-vessels escorted by the corsairs of Tunis.

ARTICLE VI.[a]

If a Tunisian corsair shall meet with an American merchant-vessel, and shall visit it with her boat, she shall not exact anything, under pain of being severely punished. And in like manner if a vessel of war of the United States shall meet with a Tunisian merchant-vessel, she shall observe the same rule.

In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board the Tunisian vessels they shall be restored. But if any slave shall take refuge in any American merchant-vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

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[a] This article is amended by the Convention of February 24, 1824.

Article VII.

An American citizen having purchased a prize vessel from our Odgiak, may sail with our passport, which we will deliver for the term of one year, by force of which our corsairs which may meet with her shall respect her; the Consul, on his part, shall furnish, her with a bill of sale, and, considering the distance of the two countries, this term shall suffice to obtain a passport in form. But, after the expiration of this term, if our corsairs shall meet with her without the passport of the United States, she shall be stopped and declared good prize, as well the vessel as the cargo and crew.

Article VIII.

If a vessel of one of the contracting parties shall be obliged to enter into a port of the other, and may have need of provisions and other articles, they shall be granted to her without any difficulty, at the price current at the place; and if such a vessel shall have suffered at sea, and shall have need of repairs, she shall be at liberty to unload and reload her cargo, without being obliged to pay any duty; and the captain shall only be obliged to pay the wages of those whom he shall have employed in loading and unloading the merchandise.

Article IX.

If, by accident and by the permission of God, a vessel of one of the contracting parties shall be cast by tempest upon the coasts of the other, and shall be wrecked or otherwise damaged, the commandant of the place shall render all possible assistance for its preservation, without allowing any person to make any opposition; and the proprietor of the effects shall pay the costs of salvage to those who may have been employed.

Article X.

In case a vessel of one of the contracting parties shall be attacked by an enemy under the cannon of the forts of the other party, she shall be defended and protected as much as possible; and when she shall set sail, no enemy shall be permitted to pursue her from the same port, or any other neighboring port, for forty-eight hours after her departure.

Article XI.[a]

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted and returned by the vessel in as many barrels of cannon powder.

The same shall be done with respect to the Tunisian corsairs when they shall enter any port of the United States.

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[a] Articles XI and XII are amended by the Convention of February 24, 1824.

Article XII.[a]

When citizens of the United States shall come within the dependencies of Tunis, to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy; and if they wish to establish themselves within our ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant-vessels, but not to those of war.

The subjects of the two contracting powers shall be under the protection of the Prince, and under the jurisdiction of the Chief of the place where they may be, and no other person shall have authority over them. If the commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the Government shall have need of an American merchant-vessel, it shall cause it be freighted, and then a suitable freight shall be paid to the captain agreeably to the intention of the Government, and the captain shall not refuse it.

Article XIII.

If among the crews of merchant-vessels of the United States there shall be found subjects of our enemies, they shall not be made slaves, on condition that they do not exceed a third of the crew; and when they do exceed a third, they shall be made slaves: The present article only concerns the sailors, and not the passengers, who shall not be in any manner molested.

Article XIV.[b]

A Tunisian merchant who may go to America with a vessel of any nation soever, loaded with merchandise which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandise of their country, which they may bring to Tunis under their flag, the same duty as the Tunisians pay in America.

But if an American merchant, or a merchant of any other nation, shall bring American merchandise under any other flag, he shall pay

[a] Articles XI and XII are amended by the Convention of February 24, 1824.
[b] This article is amended by the Convention of February 24, 1824.

six per cent. duty: In like manner, if a foreign merchant shall bring the merchandise of his country under the American flag, he shall also pay six per cent.

ARTICLE XV.

It shall be free for the citizens of the United States to carry on what commerce they please in the Kingdom of Tunis, without any opposition, and they shall be treated like the merchants of other nations; but they shall not carry on commerce in wine, nor in prohibited articles; and if any one shall be detected in a contraband trade, he shall be punished according to the laws of the country. The commandants of ports and castles shall take care, that the captains and sailors shall not load prohibited articles; but if this should happen, those who shall not have contributed to the smuggling shall not be molested nor searched. no more than shall the vessel and cargo; but only the offender, who shall be demanded to be punished. No captain shall be obliged to receive merchandise on board his vessel, nor to unlade the same against his will, until the freight shall be paid.

ARTICLE XVI.

The merchant-vessels of the United States which shall cast anchor in the road of the Gouletta, or any other port of the Kingdom of Tunis, shall be obliged to pay the same anchorage for entry and departure which French vessels pay, to wit: Seventeen piasters and a half, money of Tunis, for entry, if they import merchandise; and the same for departure, if they take away a cargo; but they shall not be obliged to pay anchorage if they arrive in ballast, and depart in the same manner.

ARTICLE XVII.

Each of the contracting parties shall be at liberty to establish a Consul in the dependencies of the other; and if such Consul does not act in conformity with the usages of the country, like others, the Government of the place shall inform his Government of it, to the end that he may be changed and replaced; but he shall enjoy, as well for himself as his family and suite, the protection of the Government; and he may import for his own use all his provisions and furniture without paying any duty; and if he shall import merchandise, (which it shall be lawful for him to do,) he shall pay duty for it.

ARTICLE XVIII.

If the subjects or citizens of either of the contracting parties, being within the possessions of the other, contract debts, or enter into obligations, neither the Consul nor the nation, nor any subjects or citizens thereof shall be in any manner responsible, except they or the Consul shall have previously become bound in writing; and without this obligation in writing, they cannot be called upon for indemnity or satisfaction.

ARTICLE XIX.

In case of a citizen or subject of either of the contracting parties dying within the possessions of the other, the Consul or the Vekil

shall take possession of his effects, (if he does not leave a will,) of which he shall make an inventory; and the Government of the place shall have nothing to do therewith. And if there shall be no Consul, the effects shall be deposited in the hands of a confidential person of the place, taking an inventory of the whole, that they may eventually be delivered to those to whom they of right belong.

Article XX.

The Consul shall be the judge in all disputes between his fellow-citizens or subjects, as also between all other persons who may be immediately under his protection; and in all cases wherein he shall require the assistance of the Government where he resides to sanction his decisions, it shall be granted to him.

Article XXI.

If a citizen or subject of one of the parties shall kill, wound, or strike a citizen or subject of the other, justice shall be done according to the laws of the country where the offence shall be committed: The Consul shall be present at the trial; but if any offender shall escape, the Consul shall be in no manner responsible for it.

Article XXII.

If a dispute or law-suit on commercial or other civil matters shall happen, the trial shall be had in the presence of the Consul, or of a confidential person of his choice, who shall represent him, and endeavor to accommodate the difference which may have happened between the citizens or subjects of the two nations.

Article XXIII.

If any difference or dispute shall take place concerning the infraction of any article of the present treaty on either side, peace and good harmony shall not be interrupted, until a friendly application shall have been made for satisfaction; and resort shall not be had to arms therefor, except where such application shall have been rejected; and if war be then declared, the term of one year shall be allowed to the citizens or subjects of the contracting parties to arrange their affairs, and to withdraw themselves with their property.

The agreements and terms above concluded by the two contracting parties shall be punctually observed with the will of the Most High. And for the maintenance and exact observance of the said agreements, we have caused their contents to be here transcribed, in the present month of Rebia Elul, of the Hegira one thousand two hundred and twelve, corresponding with the month of August of the Christian year one thousand seven hundred and ninety-seven.

The Aga Soliman's Signature and [seal.]	Ibrahim Dey's Signature and [seal.]	The Bey's Signature and [seal.]

Whereas the President of the United States of America, by his letters patent, under his signature and the seal of state, dated [SEAL.] the eighteenth day of December, one thousand seven hundred and ninety-eight, vested Richard O'Brien, William Eaton, and James Leander Cathcart, or any two of them in the absence of the third, with full powers to confer, negotiate, and conclude with the Bey and Regency of Tunis, on certain alterations in the treaty between the United States and the Government of Tunis, concluded by the intervention of Joseph Etienne Famin, on behalf of the United States, in the month of August, one thousand seven hundred and ninety-seven, we, the underwritten William Eaton and James Leander Cathcart, (Richard O'Brien being absent,) have concluded on and entered, in the foregoing treaty, certain alterations in the eleventh, twelfth, and fourteenth articles, and do agree to said treaty with said alterations, reserving the same nevertheless for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

In testimony whereof we annex our names and the consular seal of the United States. Done in Tunis, the twenty-sixth day of March, in the year of the Christian era one thousand seven hundred and ninety-nine, and of American Independence the twenty-third.

WILLIAM EATON.
JAMES LEANDER CATHCART.

1824.[a]

CONVENTION AMENDING TREATY OF AUGUST, 1797.

Concluded February 24, 1824; ratification advised by the Senate January 13, 1825; ratified by the President January 21, 1825; proclaimed January 21, 1825.

[This is reprinted from the proclamation of President Monroe.]

The proclamation recites that it is agreed alterations be made in the VI, XI, XII, and XIV articles of the treaty of 1797, and the articles are in the proclamation printed in parallel columns showing the articles as they appear in the treaty of 1797 and as modified by the present treaty.

ARTICLES.

VI. Search of ships; freedom of slaves.
XI. Salutes to naval vessels.
XII. Trading rights and privileges.
XIV. Most favored nation commercial privileges.

ARTICLE the 6th—*As it now is.*

If a Tunisian corsair shall meet with an American vessel, and shall visit it with her boat, two men

ARTICLE the 6th—*As it was.*

If a Tunisian corsair shall meet with an American merchant vessel, and shall visit it with her

[a] This treaty was superseded by treaty between United States and France (for Bey of Tunis), proclaimed May 9, 1904.

only shall be allowed to go on board, peaceably, to satisfy themselves of its being American, who, as well as any passengers of other nations they may have on board, shall go free, both them and their goods; and the said two men shall not exact anything, on pain of being severely punished.

In case a slave escapes, and takes refuge on board an American vessel of war, he shall be free, and no demand shall be made either for his restoration or for payment.

boat, she shall not exact anything, under pain of being severely punished. And, in like manner, if a vessel of war of the United States shall meet with a Tunisian merchant vessel, she shall observe the same rule.

In case a slave shall take refuge on board of an American vessel of war, the Consul shall be required to cause him to be restored; and if any of their prisoners shall escape on board of the Tunisian vessels, they shall be restored; but if any slave shall take refuge in any American merchant vessel, and it shall be proved that the vessel has departed with the said slave, then he shall be returned, or his ransom shall be paid.

ARTICLE the 11th—*As it now is.*

When a vessel of war of the United States shall enter the port of the Gouletta, she shall be saluted with twenty-one guns, which salute the vessel of war shall return gun for gun only, and no powder will be given, as mentioned in the ancient eleventh article of this treaty, which is hereby annulled.

ARTICLE 11th—*As it was.*

When a vessel of war of the United States of America shall enter the port of Tunis, and the Consul shall request that the Castle may salute her, the number of guns shall be fired which he may request; and if the said Consul does not want a salute, there shall be no question about it.

But, in case he shall desire the salute, and the number of guns shall be fired which he may have requested, they shall be counted, and returned by the vessel in as many barrels of cannon-powder.

The same shall be done with respect to the Tunisian corsairs, when they shall enter any port of the United States.

ARTICLE the 12th—*As it now is.*

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy;

ARTICLE 12th—*As it was.*

When citizens of the United States shall come within the dependencies of Tunis to carry on commerce there, the same respect shall be paid to them which the merchants of other nations enjoy;

and if they wish to establish themselves within our ports, no opposition shall be made thereto, and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unload, or ship them on board of another vessel, we shall not permit him until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations, which may take place with respect to merchant vessels, but not to those of war.

The subjects and citizens of the two nations, respectively, Tunisians and Americans, shall be protected in the places where they may be by the officers of the Government there existing; but, on failure of such protection, and for redress of every injury, the party may resort to the chief authority in each country, by whom adequate protection and complete justice shall be rendered.

In case the Government of Tunis shall have need of an American vessel for its service, such vessel being within the Regency, and not previously engaged, the Government shall have the preference, on its paying the same freight as other merchants usually pay for the same service, or at the like rate, if the service be without a customary precedent.

and if they wish to establish themselves within out ports, no opposition shall be made thereto; and they shall be free to avail themselves of such interpreters as they may judge necessary, without any obstruction, in conformity with the usuages of other nations; and if a Tunisian subject shall go to establish himself within the dependencies of the United States, he shall be treated in like manner.

If any Tunisian subject shall freight an American vessel, and load her with merchandise, and shall afterwards want to unlade or ship them on board of another vessel, we will not permit him, until the matter is determined by a reference of merchants, who shall decide upon the case; and after the decision the determination shall be conformed to.

No captain shall be detained in port against his consent, except when our ports are shut for the vessels of all other nations; which may take place with respect to merchant vessels, but not to those of war.

The subjects of the two contracting Powers shall be under the protection of the Prince, and under the jurisdiction of the chief of the place where they may be, and no other person shall have authority over them. If the Commandant of the place does not conduct himself agreeably to justice, a representation of it shall be made to us.

In case the Government shall have need of an American merchant vessel, it shall cause it to be freighted, and then a suitable freight shall be paid to the captain, agreeably to the intention of the Government, and the captain shall not refuse it.

ARTICLE the 14th—*As it now is.*

All vessels belonging to the citizens and inhabitants of the United States shall be permitted to enter the ports of the Kingdom of Tunis, and freely trade with the subjects and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the Regency. In like manner, all vessels belonging to the subjects and inhabitants of the Kingdom of Tunis shall be permitted to enter the different ports of the United States, and freely trade with the citizens and inhabitants thereof, on paying the usual duties which are paid by other most favoured nations at peace with the United States.

ARTICLE 14th—*As it was.*

A Tunisian merchant, who may go to America with a vessel of any nation soever, loaded with merchandize, which is the production of the Kingdom of Tunis, shall pay duty (small as it is) like the merchants of other nations; and the American merchants shall equally pay for the merchandize of their country, which they may bring to Tunis, under their flag, the same duty as the Tunisians pay in America.

But if an American merchant, or a merchant of any other nation, shall bring American merchandize under any other flag, he shall pay six per cent. duty; in like manner, if a foreign merchant shall bring the merchandize of his country under the American flag, he shall also pay six per cent.

Concluded, signed, and sealed, at the Palace of Bardo, near Tunis, the 24th day of the moon jumed-teni, in the year of the Hegira 1239, corresponding [to] the 24th of February, 1824, of the Christian year, and the 48th year of the Independence of the United States, reserving the same, nevertheless, for the final ratification of the President of the United States, by and with the advice and consent of the Senate.

[SEAL.] S. D. HEAP, Chargé d'Affaires.
[SEAL.] SIDI MAHMOUD.

TWO SICILIES.[a]

(SEE ITALY.)

1832.

Claims Convention.

Concluded October 14, 1832; ratification advised by the Senate January 19, 1833; ratifications exchanged June 8, 1833; proclaimed August 27, 1833.

Articles.

I. Payment to United States.
II. Time of payment.
III. Ratification.

The Government of the United States of America and His Majesty the King of the Kingdom of the Two Sicilies, desiring to terminate the reclamations advanced by said Government against his said Majesty, in order that the merchants of the United States may be indemnified for the losses inflicted upon them by Murat, by the depredations, seizures, confiscations, and destruction of their vessels and cargoes, during the years 1809, 1810, 1811, and 1812, and His Sicilian Majesty desiring thereby to strengthen with the said Government the bonds of that harmony, not hitherto disturbed: The said Government of the United States and his aforesaid Majesty the King of the Kingdom of the Two Sicilies, have with one accord resolved to come to an adjustment; to effectuate which, they have respectively named and furnished with the necessary powers, viz:

The said Government of the United States, John Nelson, Esquire, a citizen of said States, and their Chargé d'Affaires near His Majesty the King of the Kingdom of the Two Sicilies; and his Majesty, His Excellency D. Antonio Maria Statella, Prince of Cassaro, Marquis of Spaccaforno, Count Statella, etc., etc., etc., his said Majesty's Minister Secretary of State for Foreign Affairs, etc., etc.;

Who, after the exchange of their respective full powers, found in good and due form, have agreed to the following articles:

Article I.

His Majesty the King of the Kingdom of the Two Sicilies, with a view to satisfy the aforesaid reclamations, for the depredations, sequestrations, confiscations, and destruction of the vessels and cargoes of the merchants of the United States, (and for every expense of every kind whatsoever incident to or growing out of the same,)

[a] Treaties with Two Sicilies became obsolete by the consolidation of the Two Sicilies with Italy in 1861.

inflicted by Murat during the years 1809, 1810, 1811, and 1812, obliges himself to pay the sum of two millions one hundred and fifteen thousand Neapolitan ducats to the Government of the United States; seven thousand six hundred and seventy-nine ducats, part thereof to be applied to reimburse the said Government for the expense incurred by it in the transportation of American seamen from the Kingdom of Naples, during the year 1810, and the residue to be distributed amongst the claimants by the said Government of the United States, in such manner and according to such rules as it may prescribe.

ARTICLE II.

The sum of two millions one hundred and fifteen thousand Neapolitan ducats agreed on in article the 1st, shall be paid in Naples, in nine equal installments of two hundred and thirty-five thousand ducats, and with interest thereon at the rate of four per centum per annum, to be calculated from the date of the interchange of the ratifications of this convention, untill the whole sum shall be paid. The first installment shall be payable twelve months after the exchange of the said ratifications, and the remaining installments, with the interest, successively, one year after another. The said payments shall be made in Naples into the hands of such person as shall be duly authorised by the Government of the United States to receive the same.

ARTICLE III.

The present convention shall be ratified and the ratifications thereof shall be exchanged in this capital, in the space of eight months from this date, or sooner if possible.

In faith whereof the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at Naples on the 14th day of October, one thousand eight hundred and thirty-two.

[SEAL.] JNO. NELSON.
[SEAL.] The PRINCE OF CASSARO.

1835.

ARRANGEMENT PROVIDING FOR THE RECEPTION IN ONE PAYMENT OF THE BALANCE OF THE INDEMNITY REMAINING UNDER THE CONVENTION OF OCTOBER 14, 1832.

Concluded December 26, 1835.

The claimants entitled to indemnity by the award of the Commissioners under the Convention with the Kingdom of The Two Sicilies, concluded on the fourteenth of October, eighteen hundred and thirty-two, having agreed to an arrangement proposed by the Consul-General of the King of The Two Sicilies, to receive in full payment of the balance of the indemnity remaining unpaid under said convention, one million five hundred thousand Neapolitan ducats, to be paid in Naples, on the eighth day of February, eighteen hundred and thirty-six; and having authorised and requested the Government

of the United States to adopt the measures necessary to accomplish that object; the President of the United States has empowered and directed the Secretary of State to make with the Chevalier Morelli, who has the instructions and powers of his Government for that purpose, the following arrangement:

On the deposite in the Treasury Department by the claimants under the Treaty of Indemnity of their several certificates, the Secretary of the Treasury will give directions to the agent of the United States, to apply in Naples for one million five hundred thousand Neapolitan ducats, on or after the eighth day of February, eighteen hundred and thirty-six, to His Sicilian Majesty's Government, which, if paid, will be considered by the United States as a full and complete execution of the said treaty. The said one million five hundred thousand ducats shall be distributed *pro rata* among the claimants, according to the amount of their certificates in the Treasury Department, as the several instalments would have been paid if this arrangement had not been made. The certificates shall be delivered to His Sicilian Majesty's Government, or such other disposition made of them as it shall direct. If the said sum of one million five hundred thousand Neapolitan ducats shall not be paid within forty-eight hours after the demand so as aforesaid to be made by the agent of the United States at Naples, this arrangement shall be void and of no effect.

Signed at the city of Washington, on the twenty-sixth day of December, A. D. 1835, by John Forsyth, Secretary of State, on the part of the United States, and the Chevalier Morelli, on the part of His Majesty the King of the Two Sicilies.

JOHN FORSYTH,
Secretary of State of the United States.
The CHEVALIER DOMINICO MOBELLI,
His Sicilian Majesty's Consul-General at the United States.

The Commission of three to decide on the distribution of the indemnity met at Washington September, 1833. The awards of the Commission amounted to $1,925,034.68.

1845.[a]

TREATY OF COMMERCE AND NAVIGATION.

Concluded December 1, 1845; ratification advised by the Senate April 11, 1846; ratified by the President April 14, 1846; ratifications exchanged June 1, 1846; proclaimed July 24, 1846.

ARTICLES.

I. Freedom, commerce, and navigation.
II. Discrimination in duties, drawbacks.
III. Discrimination in tonnage, harbor, etc.
IV. Coasting trade.
V. Discrimination in purchase imports.
VI. Right of travel, etc.
VII. Privileges of citizens.
VIII. Consuls.
IX. Shipwrecks.
X. Asylum for vessels.
XI. Difference of duty.
XII. Duration.
XIII. Ratification.

[a] This treaty was superseded by the convention of October 1, 1855.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire of mainte[a]ining the relations of good understanding which have hitherto so happily subsisted between their respective States, and consolidating the commercial intercourse between them, have agreed to enter in negotiations for the conclusion of a treaty of commerce and navigation, for which purpose they have appointed Plenipotentiaries, that is to say:

The President of the United States of America, William H. Polk, Chargé d'Affaires of the same United States of America to the Court of His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies, D. Giustino Fortunato, Knight Grand Cross of the Royal Military Constantinian Order of St. George, and of Francis the 1st, Minister Secretari[y] of State of His said Majesty; D. Michael Gravina and Requesenz, Prince of Comitini, Knight Grand Cross of the Royal Order of Francis the 1st, Gentleman of the Chamber in Waiting, and Minister Secretary of State of his said Majesty; and D. Antonio Spinelli, of Scalea, Commander of the Rl. Order of Francis the 1st, Gentleman of the Chamber of His said Majesty, Member of the General Consulta, and Surintendant-General of the Archives of the Kingdom;

Who, after having each others exchanged their full powers, found in good and due forme, have concluded and signed the following articles:

Article I.

There shall be reciprocal liberty of commerce and navigation between the United States of America and the Kingdom of the Two Sicilies.

No duty of customs, or other impost, shall be charged upon any goods the produce or manufacture of one country, upon importation by sea or by land from such country into the other, other or higher than the duty or impost charged upon goods of the same kind, the produce or manufacture of, or imported from, any other country; and the United States of America and His Majesty the King of the Kingdom of the Two Sicilies do hereby engage that the subjects or citizens of any other State shall not enjoy any favour, privilege, or immunity whatever, in matters of commerce and navigation, which shall not also and at the same time be extended to the subjects or citizens of the other high contracting party, gratuitously, if the concession in favour of that other State shall have been gratuitous, and in return for a compensation, as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concessions shall have been conditional.

Article II.

All articles of the produce or manufacture of either country, and of their respective States, which can legally be imported into either country from the other, in ships of that other country, and thence coming, shall, when so imported, be subject to the same duties and enjoy the same privileges, whet[h]er imported in ships of the one country or in ships of the other; and, in like manner, all goods which

can legally be exported or re-exported from either country to the other, in ships of that other country, shall, when so exported or re-[e]xported, be subject to the same duties, and be entitled to the same privileges, drawbacks, bounties, and allowances, whether exported in ships of the one country or in ships of the other.

Article III.

No duties of tonnage, harbour, light-houses, pilotage, quarantine, or other similar duties, of whatever nature, or under whatever denomination, shall be imposed in either country upon the vessels of the other, in respect of voyages between the United States of America and the Kingdom of the Two Sicilies, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed in the like cases on national vessels.

Article IV.

It is hereby declared, that the stipulations of the present treaty are not to be understood as applying to the navigation and carrying trade between one port and another, situated in the States of either contracting party, such navigation and trade being reserved exclusively to national vessels. Vessels of either country shall, however, be permitted to load or unload the whole or part of their cargoes at one or more ports in the States of either of the high contracting parties, and then to proceed to complete the said loading or unloading *to* [at] any other port or ports in the same States.

Article V.

Neither of the two Governments, nor any corporation or agent acting in behalf or under the authority of either Government, shall, in the purchase of any article which, being the growth, produce, or manufacture of the one country, shall be imported into the other, give, directly or indirectly, any priority or preference on account of or in reference to the national character of the vessel in which such article shall have been imported; it being the true intent and meaning of the high contracting parties that no distinction or difference whatever shall be made in this respect.

Article VI.

The high contracting parties engages, in regard to the personal privileges, that the citizens of the United States of America shall enjoy in the dominions of His Majesty the King of the Kingdom of the Two Sicilies, and the subjects of His said Majesty in the United States of America, that they shall have free and undoubted right to travel and to reside in the States of the two high contracting parties, subject to the same precautions of police which are practiced towards the subjects or citizens of the most favoured nations.

They shall be entitled to occupy dwellings and warehouses, and to dispose of their personal property of every kind and description, by sale, gift, exchange, will, or in any other way whatever, without the smallest hindrance or obstacle; and their heirs or representatives, be-

ing subjects or citizens of the other high contracting party, shall succeed to their personal goods, whether by testament or ab intestato; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the heir and representative, such care shall be taken of the said goods as would be taken of the goods of a native of the same country in like case, until the lawful owner may take measures for receiving them. And if a question should arise among several claimants as to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are.

They shall not be obliged to pay, under any pretense whatever, any taxes or impositions, other or greater than those which are paid or may hereafter be paid by the subjects or citizens of the most favoured nations, in the respective States of the high contracting parties.

They shall be exempt from all military service, whether by land or by sea; from forced loans, and from every extraordinary contribution not general and by law established. Their dwellings, warehouses, and all premises appa[e[rte[a]ining thereto, destined for purposes of commerce or residence shall be respected. No arbitrary search of or *or* visit to their houses, and no arbitrary examination or inspection whatever of the books, papers, or accounts of their trade, shall be made, but such measures shall be executed only in conformity with the legal sentence of a competent tribunal; and each of the two high contracting parties engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security in as full and ample manner as their own citizens or subjects, or the subjects or citizens of the most favoured nations.

Article VII.

The citizens and the subjects of each of the two high contracting parties shall be free in the States of the other to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall the citizens and subjects of the two high contracting parties be restrained in their choice of persons to act in such capacities, nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ.

Absolute freedom shall be given in all cases to the buyer and seller to bargain tog[h]ether, and to fix the price of any goods or merchandise imported into or to be exported from the States and dominions of the two high contracting parties; save and except generally such cases wherein the laws and usages of the country may require the intervention of any special agents in the States and dominions of the high contracting parties.

Article VIII.

Each of the two high contracting parties may have, in the ports of the other, Consuls, Vice-Consuls, and Commercial Agents, of their

own appointment, who shall enjoy the same privileges and powers of those of the most favored nations; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

The said Consuls, Vice-Consuls, and Commercial Agents are authorized to require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand the said deserto[e]rs, proving, by the exhibition of the registres of the vessel, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and this reclamation being thus substantiated, the surrender shall not be refused.

Such deserters, when arrested, shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be detained until the time when they shall be restored to the vessels to which they belonged, or sent back to their own country by a vessel of the same nation, or any other vessel whatsoever. But if not sent back within four months from the day of their arrest, or if all the expenses of such imprisonment are not defrayed by the party causing such arrest and imprisonment, they shall be set at liberty, and shall not be again arrested for the same cause.

However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal, before which his case shall be depending, shall have pronounced its sentence, and such sentence shall have been carried into effect.

Article IX.

If any ships of war or merchant vessels be wrecked on the coasts of the States of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appa[u]rtenances belonging thereunto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul or Vice-Consul in whose district the wreck may have taken place; and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage, and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Article X.

The merchant vessels of each of the two high contracting parties, which may be forced by stress of weather or other cause into one of the ports of the other, shall be exempt from all duty of port or navigation paid for the benefit of the State, if the motives which led to take refuge be real and evident, and if no operation of commerce be done by loading or unloading merchandise; [it being] well understood, however, that the loading or unloading, which may regard the subsistence of the crew, or necessary for the reparation of the vessel, shall not be considered operations of commerce, which lead to the payement of duties, and that the said vessels do not stay in port beyond the time necessary, keeping in w[v]iew the cause which led [to] taking refuge.

Article XI.

To carry always more fully into effect the intentions of the two high contracting parties, they agree that every difference of duty, whether of the ten per cent. or other, established in the respective States, to the prejudice of the navigation and commerce of those nations which have not treaties of commerce and navigation with them, shall cease and remain abolished in conformity to the principle established in the 1st article of the present treaty, as well on the productions of the soil and industry of the Kingdom of the Two Sicilies, which therefrom shall be imported in[to] the United States of America, whether in vessels of the one or of the other country, as on those which, in like manner, shall be imported in the Kingdom of the Two Sicilies in vessels of both countries.

They declare, besides, that as the productions of the soil and industry of the two countries, on their introduction in[to] the ports of the other, shall not be subject to greater duties than those which shall be imposed on the like productions of the most favoured nations, so the red and white wines of the Kingdom of the Two Sicilies of every kind, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay higher or greater duties than those of the red and white wines of the most favoured nations. And in like manner the cottons of the United States of America, which may be imported directly in[to] the Kingdom of the Two Sicilies, whether in vessels of the one or other nation, shall not pay higher or greater duties than the cottons of Egypt, Bengal, or those of the most favoured nations.

Article XII.

The present treaty shall be in force from this day, and for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said high contracting parties reserving to itself the right of giving such notice at the end of the said term of ten years, or at any subsequent term.

ARTICLE XIII.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of the said States, and by his Majesty the King of the Kingdom of the Two Sicilies, and the ratification shall be exchanged at Naples, at the expiration of six months from the date of its signature, or sooner if possible.

In witness whereof the respective Plenipotentiair[i]es have signed the same and have affixed thereto the seal[s] of their arms.

Done at Naples the first of Di[e]cember, in the year one thousand eight hundred and forty-five.

[SEAL.] WILLIAM H. POLK.
[SEAL.] GIUSTINO FORTUNATO.
[SEAL.] IL PRINCIPE DI COMITINI.
[SEAL.] ANTONIO SPINELLI.

1855.[a]

CONVENTION RELATIVE TO RIGHTS OF NEUTRALS AT SEA.

Concluded January 13, 1855; ratification advised by the Senate March 3, 1855; ratified by the President March 20, 1855; ratifications exchanged July 14, 1855; proclaimed July 16, 1855.

ARTICLES.

I. Free ships free goods.
II. Application of principle of Art. I.
III. Accession by other nations.
IV. Ratification.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with a desire to maintain and to preserve from all harm the relations of good understanding which have at all times so happily subsisted between themselves, as also between the inhabitants of their respective States, have mutually agreed to perpetuate, by means of a formal convention, the principles of the right of neutrals at sea, which they recognize as indispensable conditions of all freedom of navigation and maritime trade. For this purpose the President of the United States has conferred full powers on Robert Dale Owen, Minister Resident at Naples of the United States of America; and His Majesty the King of the Kingdom of the Two Sicilies has conferred like powers on Mr. Louis Carafa della Spina, of the Dukes of Traetto, Weekly Major-domo of His Majesty, Commendator of His Royal Order of the Civil Merit of Francis the First, Grand Cross of the distinguished Rl. Spanish Order of Charles the Third, Great Officer of the Order of the Legion d'Honneur, Grand Cross of the Order of S. Michael of Baviera, Grand Cross of the Florentine Order of the Merit under the title of S. Joseph, Grand Cross of the Order of Parma of the Merit under the title of S. Ludovico, Grand Cross of the Brasilian Order of the Rose, provisionally charged with the port-folio of Foreign Affairs;

[a] This convention was superseded by treaty of 1871 with Italy.

And said Plenipotentaries, after having exchanged their full powers, found in good and due form, have concluded and signed the following articles:

Article I.

The two high contracting parties recognize as permanent and immutable the following principles, to wit: 1st. That free ships make free goods; that is to say, that the effects or goods belonging to subjects or citizens of a Power or State at war are free from capture and confiscation when found on board of neutral vessels, with the exception of articles contraband of war. 2d. That the property of neutrals on board an enemy's vessel is not subject to confiscation unless the same be contraband of war. They engage to apply these principles to the commerce and navigation of all such Powers and States as shall consent to adopt them on their part as permanent and immutable.

Article II.

The two high contracting parties reserve themselves to come to an ulterior understanding as circumstances may require with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the 1st article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question, to judge of the rights of neutrality.

Article III.

It is agreed by the high contracting parties that all nations which shall or may consent to accede to the rules of the first article of this convention, by a formal declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

Article IV.

The present convention shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate of said States, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications of the same shall be exchanged at Washington within the period of twelve months, counting from this day, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and thereto affixed the seal of their arms.

Done at Naples, thirteenth of January, eighteen hundred and fifty-five.

[SEAL.] Robert Dale Owen.
[SEAL.] Luigi Carafa.

1855.[a]

Convention of Amity, Commerce, Navigation, and Extradition.

Concluded October 1, 1855; ratification advised by the Senate with amendments August 13, 1856; ratified by the President August 20, 1856; ratifications exchanged November 7, 1856; proclaimed December 10, 1856.

Articles.

I. Amity.
II. Blockade.
III. Contraband.
IV. Right of travel.
V. Exemptions from military service.
VI. Reciprocal privileges of citizens.
VII. Property rights.
VIII. Commerce and navigation.
IX. Character of vessels.
X. Discrimination in duties, drawbacks, etc.
XI. Discrimination in purchase of imports.
XII. Application of foregoing articles.
XIII. Fisheries.
XIV. Discrimination on account of nationality of vessels.
XV. Most favored nation.
XVI. Asylum for vessels.
XVII. Shipwrecks.
XVIII. Consuls.
XIX. Settlement of disputes.
XX. Deserters.
XXI. Extradition of criminals.
XXII. Crimes.
XXIII. How surrender to be made.
XXIV. Political offenses.
XXV. Duration.
XXVI. Ratification.

The United States of America and His Majesty the King of the Kingdom of the Two Sicilies, equally animated with the desire to strengthen and perpetuate the relations of amity and good understanding which have at all times subsisted between the two countries, desiring also to extend and consolidate the commercial intercourse between them; and convinced that nothing will more contribute to the attainment of this desirable object than an entire freedom of navigation, the abolition of all differential duties of navigation and of commerce, and a perfect reciprocity, based on principles of equity, equally beneficial to both countries, and applicable alike in peace and in war, have resolved to conclude a general convention of amity, commerce, navigation, and for the surrender of fugitive criminals. For this purpose, they have respectively appointed Plenipotentiaries, to wit:

The President of the United States has appointed Robert Dale Owen, Minister Resident of the United States near His Majesty the King of the Kingdom of the Two Sicilies; and His Majesty the King of the Kingdom of the Two Sicilies has appointed Don Lewis Carafa della Spina, of the Dukes of Traetto, Weekly Majordomo of His Majesty, Commander of His Royal Order of Civil Merit of Francis the First, Grand Cross of the distinguished Royal Spanish Order of Charles the Third, Grand Officer of the Order of the Legion of Honor, Grand Cross of the Order of St. Michael of Bavaria, Grand Cross of the Florentine Order of Merit under the title of St. Joseph, Grand Cross of the Order of Merit of Parma under the title of St. Ludovico, Grand Cross of the Brazilian Order of the Rose, charged provisionally with the Portfolio of Foreign Affairs; and Don Michael Gravina e Requesenz, Prince of Comitini, his Gen-

[a] This convention became obsolete by the consolidation of the Two Sicilies with the Kingdom of Italy in 1861.

tleman of the Bedchamber in exercise, Chevalier Grand Cross of his Royal Order of Francis the First, invested with the Grand Cordon of the Order of the Legion of Honor, and the Grand Cross of the following orders, namely: of Leopold of Austria, of the Red Eagle of Prussia, of the White Eagle of Russia, of St. Maurice and Lazarus of Sardinia, of Dannebrog of Denmark, of Leopold of Belgium, and of the Crown of Oak of the Low Countries, late his Minister Secretary of State; and Don Joseph Marius Arpino, Advocate-General of the Grand Court of Accounts;

And the said Plenipotentiaries, after having exchanged their respective full powers, found in good and due form, have concluded and signed the following articles:

Article I.

It is the intention of the two high contracting parties that there shall be, and continue through all time, a firm, inviolable, and universal peace, and a true and sincere friendship, between them and between their respective territories, cities, towns, and people, without exception of persons or places. But if, notwithstanding, the two nations should, unfortunately, become involved in war, one with the other, the term of six months, from and after the declaration thereof, shall be allowed to the merchants and other inhabitants, respectively, on each side, during which term they shall be at liberty to withdraw themselves, with all their effects, which they shall have the right to carry away, send away, or sell, as they please, without hinderance or molestation. During such period of six months their persons and their effects, including money, debts, shares in the public funds or in banks, and any other property, real or personal, shall be exempt from confiscation or sequestration; and they shall be allowed freely to sell and convey any real estate to them belonging, and to withdraw and export the proceeds without molestation, and without paying, to the profit of the respective governments, any taxes or dues other or greater than those which the inhabitants of the country wherein said real estate is situated shall, in similar cases, be subject to pay. And passports, valid for a sufficient term for their return, shall be granted, as a safe-conduct for themselves, their vessels, and the money and effects which they may carry or send away, against the assaults and prizes which may be attempted against their persons and effects, as well by vessels of war of the contracting parties as by their privateers.

Article II.

Considering the remoteness of the respective countries of the two contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learned, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once, shall, during the same voyage, attempt a second time to enter the same blockaded port, during the con-

tinuance of the same blockade, shall thereby subject themselves to be detained and condemned.

By blockaded port, is understood one into which, by the disposition of the Power which attacks it with a proportionate number of ships sufficiently near, there is evident danger in entering.

Article III.

The high contracting parties, in order to prevent and avoid all dispute by determining, with certainty, what shall be considered by them contraband in time of war, and as such cannot be conveyed to the countries, cities, places, or seaports of their enemies, have declared and agreed that under the name of contraband of war shall be comprised only cannons, mortars, petards, granades, muskets, balls, bombs, gun-carriages, gunpowder, saltpetre, matches; troops, whether infantry or cavalry, together with all that appertains to them; as also every other munition of war, and generally, every species of arms, and instruments in iron, steel, brass, copper, or any other material whatever, manufactured, prepared, and made expressly for purposes of war, whether by land or sea.

And it is expressly declared and undertsood that the merchandise above set forth as contraband of war shall not entail confiscation, either on the vessel on which it shall have been loaded, or on the merchandise forming the rest of the cargo of said vessel, whether the said merchandise belong to the same or to a different owner.

Article IV.

The citizens and subjects of each of the high contracting parties shall have free and undoubted right to travel and reside in the States of the other, remaining subject only to the precautions of police which are practised towards the citizens or subjects of the most favored nations.

Article V.

The citizens or subjects of one of the high contracting parties, travelling or residing in the territories of the other, shall be free from all military service, whether by land or sea, from all billeting of soldiers in their houses, from every extraordinary contribution, not general and by law established, and from all forced loans; nor shall they be held, under any pretence whatever, to pay any taxes or impositions, other or greater than those which are or may hereafter be paid by the subjects or citizens of the most favored nations, in the respective States of the high contracting parties. Their dwellings, warehouses, and all premises appertaining thereto, destined for purposes of commerce or residence, shall be respected. No arbitrary search of or visit to their houses, whether private or of business, and no arbitrary examination or inspection whatever of their books, papers, or accounts of trade, shall be made; but such measures shall have place only in virtue of warrant granted by the judicial authorities. And each of the high contracting parties expressly engages that the citizens or subjects of the other, residing in their respective States, shall enjoy their property and personal security, in as full

and ample a manner as their own citizens or subjects, or the citizens or subjects of the most favored nations.

ARTICLE VI.

The citizens and subjects of each of the contracting parties, residing in the States of the other, shall be entitled to carry on commerce, arts, or trade, and to occupy dwellings, shops, and warehouses, and to dispose of their property of every kind, whether real or personal, by sale, gift, exchange, or in any other way, without hinderance or obstacle. And they shall be free to manage their own affairs themselves, or to commit those affairs to persons whom they may appoint as broker, factor, or agent; nor shall they be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ. Absolute freedom shall also be given in all cases to the buyer and seller to bargain together, and also to fix the price of any goods or merchandise imported into or to be exported from the States of either of the contracting parties, save and except cases where the laws of the said States may require the intervention of special agents, or where, in either of the countries, articles may be the subject of a Government monopoly, as at present in the Kingdom of the Two Sicilies the royal monopolies of tobacco, salt, playing cards, gunpowder, and saltpetre.

It being expressly understood, however, that none of the provisions of the present treaty shall be so construed as to take away the right of either of the high contracting parties to grant patents of invention or improvement, either to the inventors or to others, and that the principles of reciprocity established by this treaty shall not extend to premiums which either of the high contracting parties may grant to their own citizens or subjects for the encouragement of the building of ships to sail under their own flag.

ARTICLE VII.

As to any citizen or subject of either of the high contracting parties dying within the jurisdiction of the other, his heirs being citizens or subjects of the other, shall succeed to his personal property, and either to his real estate or to the proceeds thereof, whether by testament or ab intestato; and may take possession thereof, either by themselves or by other acting for them; and may dispose of the same at will, paying to the profit of the respective Governments such dues only as the inhabitants of the country wherein the said property is, shall be subject to pay in like cases. And in case of the absence of the heir or of his representatives, the same care shall be taken of the said property as would be taken, in like cases, of the effects of the natives of the country itself; the respective Consular Agents having notice from the competent judicial authorities of the day and hour in which they will proceed to the imposing or removing of seals and to the making out of an inventory, in all cases where such proceedings are required by law; so that the said Consular Agent may assist thereat. The respective Consuls may demand the delivery of the hereditary effects of their countrymen, which shall be immediately delivered to them, if no formal opposition to such delivery

shall have been made by the creditors of the deceased, or otherwise, as soon as such opposition shall have been legally overruled. And if a question shall arise as to the rightful ownership of said property, the same shall be finally decided by the laws and judges of the land wherein the said property is. And the citizens and subjects of either of the contracting parties in the States of the other shall have free access to the tribunals of justice of said States, on the same terms which are granted by the laws and usages of the country to native citizens or subjects; and they may employ, in defence of their interests and rights, such advocates, attornies, and other agents, being citizens or subjects of the other, as they may choose to select.

ARTICLE VIII.

There shall be, between the territories of the high contracting parties, reciprocal liberty of commerce and navigation; and to that effect the vessels of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever national vessels arriving from abroad are permitted to enter. And all vessels of either of the two contracting parties arriving in the ports of the other shall be treated, on their arrival, during their stay, and at their departure, on the same footing as national vessels, as regards port charges, and all charges of navigation, such as of tonnage, light-houses, pilotage, anchorage, quarantine, fees of public functionaries, as well as all taxes or impositions of whatever sort, and under whatever denomination, received in the name, and for the benefit of the Government, or of local authorities, or of any private institution whatsoever, whether the said vessels arrive or depart in ballast, or whether they import or export merchandise.

ARTICLE IX.

The national character of the vessels of the respective countries shall be recognized and admitted by each of the parties, according to its own laws and special rules, by means of papers granted by the competent authorities to the captains or masters. And no vessels of either of the contracting parties shall be entitled to profit by the immunities and advantages granted in the present treaty, unless they are provided with the proper papers and certificates, as required by the regulations existing in the respective countries, to establish their tonnage and their nationality.

ARTICLE X.

The vessels of each of the high contracting parties shall be allowed to introduce into the ports of the other, and to export thence, and to deposit and store there, every sort of goods, wares, and merchandise, from whatever place the same may come, the importation and exportation of which are legally permitted in the respective States, without being held to pay other or heavier custom-house duties or imposts, of whatever kind or name, other or of higher rate than those which would be paid for similar goods or products if the same were imported or exported in national vessels; and the same privileges, drawbacks, bounties, and allowances which may be allowed by either

of the contracting parties on any merchandise imported or exported in their own vessels shall be allowed, also, on similar produce imported or exported in vessels of the other party.

ARTICLE XI.

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, in their behalf, or under their authority, in the purchase of any article of commerce lawfully imported on account of or in reference to the character of the vessel in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference shall be made in this respect.

ARTICLE XII.

The principles contained in the foregoing articles shall be applicable in all their extent to vessels of each of the high contracting parties, and to their cargoes, whether the said vessels arrive from the ports of either of the contracting parties, or from those of any other foreign country, so that, as far as regards dues of navigation or of customs, there shall not be made, either in regard to direct or indirect navigation, any distinction whatever between the vessels of the two contracting parties.

ARTICLE XIII.

The above stipulations shall not, however, extend to fisheries, nor to the coasting trade from one port to another in each country, whether for passengers or merchandise, and whether by sailing vessels or steamers, such navigation and traffic being reserved exclusively to national vessels.

But, notwithstanding, the vessels of either of the two contracting parties may load or unload in part at one or more ports of the territories of the other, and then proceed to any other port or ports in said territories to complete their loading or unloading, in the same manner as a national vessel might do.

ARTICLE XIV.

No higher or other duty shall be imposed on the importation, by sea or land, into the United States, of any article the growth, produce, or manufacture of the Kingdom of the Two Sicilies, or of her fisheries; and no higher or other duty shall be imposed on the importation, by sea or by land, into the Kingdom of the Two Sicilies, of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country.

No other or higher duties and charges shall be imposed in the United States on the exportation of any article to the Kingdom of the Two Sicilies, or in the Kingdom of the Two Sicilies on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any foreign country. And no prohibition shall be imposed on the importation or

exportation of any article the growth, produce, or manufacture of the United States or their fisheries, or of the Kingdom of the Two Sicilies and her fisheries, from or to the ports of the United States or of the Kingdom of the Two Sicilies, which shall not equally extend to every other foreign country.

Article XV.

If either of the high contracting parties shall hereafter grant to any other nation any particular favor, privilege, or immunity, in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, and on yielding the same compensation, or a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, when the grant is conditional.

Article XVI.

The vessels of either of the high contracting parties that may be constrained by stress of weather, or other accident, to seek refuge in any port within the territories of the other, shall be treated there in every respect as a national vessel would be in the same strait: Provided, however, that the causes which gave rise to this forced landing are real and evident; that the vessel does not engage in any commercial operation, as loading or unloading merchandise; and that its stay in the said port is not prolonged beyond the time rendered necessary by the causes which constrained it to land; it being understood, nevertheless, that any landing of passengers, or any loading or unloading caused by operations of repair of the vessel or by the necessity of providing subsistence for the crew, shall not be regarded as a commercial operation.

Article XVII.

In case any ship of war or merchant-vessel shall be wrecked on the coasts or within the maritime jurisdiction of either of the high contracting parties, such ships or vessels, or any parts thereof, and all furniture and appurtenances belonging thereto, and all goods and merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored, with the least possible delay, to the proprietors, upon being claimed by them, or by their duly authorized factors; and if there are no such proprietors or factors on the spot, then the said goods and merchandise, or the proceeds thereof, as well as all the papers found on board such wrecked ships or vessels, shall be delivered to the American or Sicilian Consul, or Vice-Consul, in whose district the wreck may have taken place, and such Consul, Vice-Consul, proprietors, or factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage and expenses of quarantine, which would have been payable in the like case of a wreck of a national vessel; and the goods and merchandise saved from the wreck shall not be subject to duties, unless cleared for consumption; it being understood that in case of any legal claim upon such wreck, goods, or merchandise, the same shall be referred for decision to the competent tribunals of the country.

Article XVIII.

Each of the high contracting parties grants to the other, subject to the usual exequatur, the liberty of having, in the ports of the other where foreign commerce is usually permitted, Consuls, Vice-Consuls, and Commercial Agents of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations; but if any such Consul, Vice-Consul, or Commercial Agent shall exercise commerce, he shall be subjected to the same laws and usages to which private individuals of the nation are subjected in the same place. And whenever either of the two contracting parties shall select for a Consular Agent a citizen or subject of this last, such Consular Agent shall continue to be regarded, notwithstanding his quality of foreign Consul, as a citizen or a subject of the nation to which he belongs, and consequently shall be submitted to the laws and regulations to which natives are subjected. This obligation, however, shall not be so construed *so* as to embarrass his consular functions, nor to affect the inviolability of the consular archives.

Article XIX.

The said Consuls, Vice-Consuls, and Commercial Agents shall have the right as such to judge, in quality of arbitrators, such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crew, or of the captain, should disturb the public peace or order of the country, or such Consul, Vice-Consul, or Commercial Agent should require their assistance to cause his decisions to be carried into effect or supported. Nevertheless, it is understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return home, to the judicial authorities of their own country.

Article XX.

The said Consuls, Vice-Consuls, and Commercial Agents may cause to be arrested and sent back, either on board or to their own country, sailors and all other persons who, making a regular part of the crews of vessels of the respective nations, and having embarked under some other name than that of passengers, shall have deserted from the said vessels. For this purpose they shall apply to the competent local authorities, proving, by the register of the vessel, the roll of the crew, or, if the vessel shall have departed, with a copy of the said papers, duly certified by them, that the persons they claim formed part of the crew; and on such a reclamation, thus substantiated, the surrender of the deserter shall not be denied. Every assistance shall also be given to them for the recovery and arrest of such deserters; and the same shall be detained and kept in the prisons of the country, at the request and cost of the Consuls, until the said Consuls shall have found an opportunity to send them away. It being understood, however, that if such an opportunity shall not occur in the space of four months from the date of their arrest, the said deserters shall be set at liberty, and shall not be again arrested for the same cause.

Nevertheless, if the deserter shall be found to have committed any other crime or offence on shore, his surrender may be delayed by the local authorities until the tribunal before which his case shall be pending shall have pronounced its sentence, and until such sentence shall have been carried into effect.

Article XXI.

It is agreed that every person who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the States of one of the high contracting parties, shall seek asylum in the States, or on board the vessels of war of the other party, shall be arrested and consigned to justice on demand made, through the proper diplomatic channel, by the Government within whose territory the offence shall have been committed.

This surrender and delivery shall not, however, be obligatory on either of the high contracting parties until the other shall have presented a copy of the judicial declaration or sentence establishing the culpability of the fugitive, in case such sentence or declaration shall have been pronounced. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded, and shall be made, when the demanding Government shall have furnished such proof as would have been sufficient to justify the apprehension, and commitment for trial, of the accused, if the offence had been committed in the country where he shall have taken refuge.

Article XXII.

Persons shall be delivered up, according to the provisions of this treaty, who shall be charged with any of the following crimes, to wit:

Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; piracy; arson; the making and uttering of false money, forgery, including forgery of evidences of public debt, bank-bills, and bills of exchange; robbery with violence; intimidation or forcible entry of an inhabited house; embezzlement by public officers, including appropriation of public funds; when these crimes are subject, by the code of the Kingdom of the Two Sicilies to the punishment *della reclusione*, or other severer punishment, and by the laws of the United States to infamous punishment.

Article XXIII.

On the part of each country, the surrender of fugitives from justice shall be made only by the authority of the Executive thereof. And all expenses whatever of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

Article XXIV.

The citizens and subjects of each of the high contracting parties shall remain exempt from the stipulations of the preceding articles, so far as they relate to the surrender of fugitive criminals; nor shall

they apply to offences committed before the date of the present treaty, nor to offences of a political character, unless the political offender shall have also been guilty of some one of the crimes enumerated in Article XXII.

Article XXV.

The present treaty shall take effect from the day in which ratifications shall be exchanged, and shall remain in force for the term of ten years, and further, until the end of twelve months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same; each of the said contracting parties reserving to itself the right to give such notice at the end of said term of ten years, or at any subsequent time.

Article XXVI.

The present treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Kingdom of the Two Sicilies; and the ratifications shall be exchanged at Naples within twelve months from the date of its signature, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the foregoing articles in the English and Italian languages, and have hereunto affixed the seals of their arms.

Done in duplicate, at the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred fifty-five.

[SEAL.]	Robert Dale Owen.
[SEAL.]	Luigi Carafa.
[SEAL.]	Principe di Comitini.
[SEAL.]	Giuseppe Mario Arpino.

DECLARATION.

It having been stipulated in Article XI of the treaty of the first December, 1845, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including those of Marsala, which may be imported directly into the United States of America, whether in vessels of the one or of the other country, shall not pay other or higher duties than the red and white wines of the most favored nations; and, in like manner, that the cottons of the United States of America which may be imported directly into the Kingdom of the Two Sicilies, whether in vessels of the one or of the other nation, shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations:

And it being agreed in the new treaty concluded between the United States of America and the Kingdom of the Two Sicilies, and to-day signed by the undersigned, not only that no duties of customs shall be paid on merchandise the produce of one of the two countries imported into the other country, other or higher than shall be paid on merchandise of the same kind the produce of any other country, but

also that, as to all duties of navigation or of customs, there shall not be made, as to the vessels of the two countries, any distinction whatever between direct and indirect navigation:

The undersigned declare, as to the construction of the new treaty, from the day on which the ratifications thereof shall be exchanged, that the red and white wines, of every kind, of the Kingdom of the Two Sicilies, including the wine of Marsala, which shall be imported into the United States of America, shall not pay other or higher duties than are paid by the red and white wines of the most favored nations.

And, in like manner, that the cottons of the United States which shall be imported into the Kingdom of the Two Sicilies shall not pay other or higher duties than the cottons of Egypt, Bengal, or the most favored nations.

The present declaration shall be considered as an integral part of the said new treaty, and shall be ratified, and the ratifications thereof exchanged, at the same time as those of the treaty itself.

In faith whereof, the undersigned have hereunto set their hands and affixed the seal of their arms.

Done in duplicate, in the city of Naples, this first day of October, in the year of our Lord one thousand eight hundred and fifty-five.

[SEAL.] ROBERT DALE OWEN.
[SEAL.] LUIGI CARAFA.
[SEAL.] PRINCIPE DI COMITINI.
[SEAL.] GIUSEPPE MARIO ARPINO.

URUGUAY.

1905.

Extradition Treaty.

Concluded March 11, 1905; ratification advised, with amendment, by the Senate March 18, 1905; ratified by the President April 12, 1908; ratifications exchanged June 4, 1908; proclaimed July 10, 1908.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Offense for which to be tried; political offenses.
IV. Provisional detention.
V. Procedure.
VI. Property in possession of accused.
VII. Limitation.
VIII. Persons claimed by other countries.
IX. Deferring extradition.
X. Nonextradition of citizens.
XI. Notification of the result of trials.
XII. Crimes committed prior to treaty.
XIII. Denunciation.
XIV. Ratification.

The President of the United States of America and the President of the Oriental Republic of Uruguay, being animated by the desire to secure and promote the well-being and tranquillity of their respective countries by facilitating the just, prompt, and efficacious administration of justice, by preventing crimes and offenses, and by regulating the surrender of the authors thereof who may seek asylum within their respective territories, have agreed to conclude a treaty and for this purpose have appointed as their plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of the Oriental Republic of Uruguay, Mr. Eduardo Acevedo Diaz, his Envoy Extraordinary and Minister Plenipotentiary accredited to the United States of America and to Mexico;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed on the following articles:

Article I.

The high contracting parties obligate themselves to deliver up mutually to each other, under the circumstances and conditions stipulated in the present treaty, all persons, except their own citizens, who, having been charged or sentenced for any of the crimes or offenses enumerated in Article II and committed within the territory of one of the parties, shall be found within the territory of the other.

ARTICLE II.

1. Murder, comprehending assassination, parricide, infanticide, poisoning, and manslaughter, when voluntary; or the attempt to commit any of these crimes.

2. Abortion.

3. Arson.

4. Piracy, or mutiny on shipboard whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or violence against the commander.

5. Forgery, or the utterance of forged papers; the forgery of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

The counterfeiting or falsifying of money, whether coin or paper, or of instruments of debt created by national, State, provincial, or municipal governments, or of coupons thereof, or of bank notes, or the utterance or circulation of these; the counterfeiting, falsifying, or altering of seals of state.

6. Embezzlement of public moneys by public functionaries or depositaries, embezzlement by persons hired or salaried, to the detriment of their employers or principals; larceny; where in either class of cases the amount embezzled or stolen exceeds the sum of two hundred dollars.

7. Burglary; housebreaking; shopbreaking.

8. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money, or goods, by violence or putting him in fear.

9. Rape.

10. Bigamy.

11. Kidnapping; abduction.

12. Perjury and subornation of perjury.

13. Bribery, defined to be the giving, offering, or receiving of a reward to influence one in the discharge of a legal duty.

14. Willful and unlawful destruction or obstruction of railroads which endangers human life.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this treaty, provided such participation may be punished in the United States as a felony, and in Uruguay by imprisonment at hard labor.

ARTICLE III.

Political crimes and misdemeanors are expressly excepted from the present treaty.

A person whose surrender has been granted shall not in any case be either prosecuted or punished for any political crime or act connected therewith, committed previous to the extradition.

Neither shall he be prosecuted or punished for any crime committed previous to that on which the surrender is based, unless the nation of which the demand is made so grants.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the Government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARTICLE IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be for an agent of the Uruguayan Government to apply to a judge or other magistrate authorized to issue warrants of arrest in extradition cases, and present a complaint on oath as provided by the statutes of the United States.

When under the provisions of this article the arrest and detention of a fugitive are desired in Uruguay, the proper course shall be to apply to the Foreign office, which will immediately cause the necessary steps to be taken to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this treaty within a period of sixty days from the date of provisional arrest and detention.

ARTICLE V.

Requisitions for extradition must be presented by the diplomatic agent of the country of which the request is made, or in case of his absence by the superior consular officer thereof, to the Ministry of Foreign Relations, and shall be accompanied, in the case of persons charged or under trial, by an authenticated copy of the warrant of arrest and of the evidence upon which it is based, as well as of the penal law applicable to the offense giving rise to the request, and, whenever possible, by a description of the person claimed.

With regard to sentenced persons, duly authenticated evidence of the sentence convicting them should be presented.

In the Oriental Republic of Uruguay the procedure shall be as follows:

The Ministry of Foreign Relations shall transmit the above-mentioned documents to the Superior Court of Justice, which, in turn, if it deems that the request for extradition is sufficiently well founded, shall turn it over to the judge having jurisdiction of the crime for execution. The latter functionary shall have authority to order the detention of the criminal, to take his deposition, consider his defense, and weigh the facts presented in accordance with the laws of the country; and if it turns out that the evidence presented is sufficient to warrant his imprisonment, the conditions required by the treaty having been fulfilled, he shall issue the order for his surrender, notifying the fact to the Executive, who thereupon dictates the measures necessary in order that the fugitive may be placed at the disposal of the demanding Government.

The expenses incurred in the arrest, detention, examination, and delivery of fugitives under this treaty shall be borne by the State in whose name the extradition is sought.

ARTICLE VI.

All articles at the time of apprehension in the possession of the person demanded, whether being the proceeds of the crime or offense

charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with respect to such articles shall be duly respected.

ARTICLE VII.

Extradition may be refused when the penalty or right of action for the crime imputed to the person claimed shall have become barred by limitation according to the laws of the country in which he is seeking refuge.

ARTICLE VIII.

If the accused or convicted party whose extradition is demanded by one of the high contracting parties in accordance with the present treaty should also be claimed by another or other governments as a result of crimes committed within their respective territories, he shall be delivered to the government of the country in which he shall have committed the gravest crime; provided that the government from which extradition is sought is not bound by treaty to give preference otherwise.

ARTICLE IX.

If the person claimed should be under trial for a crime or offense committed in the country in which he is seeking refuge, his extradition shall be deferred until the trial he is undergoing is concluded, or until he suffers the penalty imposed upon him. The same shall happen if he is serving a previous sentence at the time his extradition is demanded.

ARTICLE X.

The obligation to grant extradition shall not in any case extend to the citizens of the two parties, but the executive authority of each shall have power to deliver them up, if, in its discretion, it is deemed proper to do so.

ARTICLE XI.

The Government of the United States and that of Uruguay agree to notify each other of the result of the trials of all persons surrendered under this treaty.

ARTICLE XII.

The provisions of the present treaty shall not apply to crimes or offenses committed prior to its date.

ARTICLE XIII.

The present treaty may be denounced by either of the high contracting parties by giving notice one year in advance.

ARTICLE XIV.

The present treaty shall be ratified and its ratifications exchanged at as early a day as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and Spanish languages, and hereunto affixed their seals.

Done in duplicate, at the City of Washington this 11th day of March, one thousand nine hundred and five.

JOHN HAY [SEAL]
Ed° ACEVEDO DÍAZ. [SEAL]

1908.

NATURALIZATION CONVENTION.

Signed at Montevideo, August 10, 1908; ratification advised by the Senate, December 10, 1908; ratified by the President, December 26, 1908; ratifications exchanged at Montevideo, May 14, 1909; proclaimed, June 19, 1909.

ARTICLES.

I. Naturalization recognized.
II. Renunciation of naturalization.
III. Definition of citizen.
IV. Liability for prior offenses.
V. Declaration of intention.
VI. Duration.
VII. Ratification.

Naturalization Convention between the United States of America and the Oriental Republic of Uruguay.

The President of the United States of America and the President of the Oriental Republic of Uruguay, desiring to regulate the citizenship of those persons who emigrate from the United States to Uruguay, or from Uruguay to the United States, have resolved to conclude a convention on this subject and for that purpose have appointed their Plenipotentiaries, to wit:

The President of the United States: Edward C. O'Brien, Envoy Extraordinary and Minister Plenipotentiary of the United States in Uruguay;

The President of Uruguay: Antonio Bachini, Minister for Foreign Affairs of Uruguay;

Who, after the mutual communication of their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of the United States who may be or shall have been naturalized in the Republic of Uruguay upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Uruguay. Reciprocally, Uruguayans who may be or shall have been naturalized in the United States, upon their own application or by their own consent, will be considered by the Republic of Uruguay as citizens of the United States.

ARTICLE II.

If a Uruguayan, naturalized in the United States, renews his residence in Uruguay, without intent to return to the United States, he

may be held to have renounced his naturalization in the United States.

Reciprocally, if an American, naturalized in Uruguay, renews his residence in the United States, without intent to return to Uruguay, he may be held to have renounced his naturalization in Uruguay.

The intent not to return may be held to exist when the person naturalized in one country resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

ARTICLE III.

It is mutually agreed that the definition of the word citizen as used in this convention, shall be held to mean a person to whom nationality of the United States or Uruguay attaches.

ARTICLE IV.

A recognized citizen of the one party, returning to the territory of the other, remains liable to trial and legal punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ARTICLE V.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

ARTICLE VI.

The present convention shall remain in force for ten years from the date of the exchange of ratifications; and unless one of the contracting parties shall notify the other of its intention to terminate it one year before the expiration of that period, the said treaty shall continue in force from year to year until the expiration of one year after official notice shall have been given by either of the contracting governments of a purpose to terminate it.

ARTICLE VII.

The present treaty shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contracting parties, and the ratifications shall be exchanged at Montevideo as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the foregoing articles, and have affixed their seals.

Done in duplicate at the City of Montevideo, in the English and Spanish languages this tenth day of August, one thousand nine hundred and eight.

[SEAL.] EDWARD C. O'BRIEN
[SEAL.] ANTONIO BACHINI

VENEZUELA.

1836.[a]

Treaty of Peace, Amity, Commerce, and Navigation.

Concluded January 20, 1836; ratification advised by the Senate March 23, 1836; ratified by the President April 20, 1836; ratifications exchanged May 31, 1836; proclaimed June 30, 1836.

Articles.

I. Peace and friendship.
II. Most favored nation.
III. Trade and residence.
IV. Tonnage duties.
V. Definition of Venezuelan vessels.
VI. Discrimination on account of nationality of vessels.
VII. Reciprocal privileges of citizens.
VIII. Embargo of vessels.
IX. Asylum for vessels.
X. Property captured by pirates.
XI. Shipwrecks.
XII. Property rights.
XIII. Protection of persons and property.
XIV. Religious liberty.
XV. Privileges of trade with enemy.
XVI. Neutral flag protection for property.
XVII. Contraband.
XVIII. Goods and contraband.
XIX. Procedure.
XX. Blockade.
XXI. Visitation and search.
XXII. Passports in war.
XXIII. Vessels under convoy.
XXIV. Prize courts.
XXV. Commissions to cruise from enemy.
XXVI. Time allowed merchants in war.
XXVII. Confiscation of debts.
XXVIII. Ministers.
XXIX. Consuls.
XXX. Exequaturs.
XXXI. Exemption of consuls.
XXXII. Deserters.
XXXIII. Consular convention.
XXXIV. Duration; ratification, etc.

The United States of America and the Republic of Venezuela, desiring to make lasting and firm the friendship and good understanding which happily prevails between both nations, have resolved to fix, in a manner clear, distinct, and positive, the rules which shall, in future, be religiously observed between the one and the other, by means of a treaty of friendship, commerce, and navigation. For this most desirable object, the President of the United States of America has conferred full powers on John G. A. Williamson, a citizen of the said States, and their Chargé d'Affaires to the said Republic, and the President of the Republic of Venezuela on Santos Michelena, a citizen of the said Republic; who, after having exchanged their said full powers, in due and proper form, have agreed to the following articles:

Article I.

There shall be a perfect, firm, and inviolable peace and sincere friendship between the United States of America and the Republic

[a] Pursuant to notice from Venezuela, this convention terminated January 3, 1851.

of Venezuela, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places.

ARTICLE II.

The United States of America and the Republic of Venezuela, desiring to live in peace and harmony with all the other nations of the earth, by means of a policy frank and equally friendly with all, engage, mutually, not to grant any particular favor to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional.

ARTICLE III.

The two high contracting parties being likewise desirous of placing the commerce and navigation of their respective countries on the liberal basis of perfect equality and reciprocity, mutually agree that the citizens of each may frequent all the coasts and countries of the other, and reside and trade there in all kinds of produce, manufactures and merchandize; and they shall enjoy all the rights, privileges and exemptions, in navigation and commerce, which native citizens do or shall enjoy, submitting themselves to the laws, decrees and usages there established, to which native citizens are subjected. But it is understood that this article does not include the coasting trade of either country, the regulation of which is reserved, by the parties respectively, according to their own separate laws.

ARTICLE IV.

They likewise agree that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may be also imported in vessels of the Republic of Venezuela; and that no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other. And, in like manner, that whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into the Republic of Venezuela, in its own vessels, may be also imported in vessels of the United States; and that no higher or other duties upon the tonnage of the vessels and her cargo shall be levied or collected, whether the importation be made in vessels of the one country or of the other. And they agree that whatever may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country. And the same bounties, duties, and drawbacks shall be allowed and collected, whether such exportation or re-exportation be made in vessels of the United States or of the Republic of Venezuela.

ARTICLE V.

For the better understanding of the preceding article, and taking into consideration the actual state of the commercial marine of the Republic of Venezuela, it has been stipulated and agreed that all vessels belonging exclusively to a citizen or citizens of said Republic, and whose captain is also a citizen of the same, though the construction or crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessels.

ARTICLE VI.

No higher or other duties shall be imposed on the importation into the United States of any articles the produce or manufactures of the Republic of Venezuela, and no higher or or other duties shall be imposed on the importation into *de* Republic of Venezuela of any articles the produce or manufacture of the United States, than are or shall be payable on the like articles being the produce or manufactures of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to the Republic of Venezuela, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles the produce or manufactures of the United States or of the Republic of Venezuela, to or from the territories of the United States, or to or from the territories of the Republic of Venezuela which shall not equally extend to all other nations.

ARTICLE VII.

It is likewise agreed that it shall be wholly free for all merchants, commanders of ships, and other citizens of both countries, to manage themselves their own business, in all the ports and places subject to the jurisdiction of each other, as well with respect to the consignment and sale of their goods and merchandize by wholesale or retail, as with respect to the loading, unloading, and sending off their ships; they being in all these cases to be treated as citizens of the country in which they reside, or, at least, to be placed on a footing with the subjects or citizens of the most favoured nation.

ARTICLE VIII.

The citizens of neither of the contracting parties shall be liable to any embargo, nor be detained with their vessels, cargo[e]s, merchandizes, or effects, for any military expedition, nor for any public or private purpose whatever, without allowing to those interested a sufficient indemnification.

ARTICLE IX.

Whenever the citizens of either of the contracting parties shall be forced to seek refuge or asylum in the rivers, bays, ports, or dominions of the other with their vessels, whether merchant or of war,

public or private, through stress of weather, pursuit of pirates or enemies, they shall be received and treated with humanity; giving to them all favour and protection for repairing their ships, procuring provisions, and placing themselves in a situation to continue their voyage, without obstacle or hindrance of any kind.

Article X.

All the ships, merchandize, and the effects belonging to the citizens of one of the contracting parties, which may be captured by pirates, whether within the limits of its jurisdiction or on the high seas, and may be carried or found in the rivers, roads, bays, ports, or dominions of the other, shall be delivered up to the owners, they proving, in due and proper form, their rights before the competent tribunals; it being well understood, that the claim should be made within the term of one year, by the parties themselves, their attorneys, or agents of the respective Governments.

Article XI.

When any vessel belonging to the citizens of either of the contracting parties shall be wrecked, foundered, or shall suffer any damage on the coasts or within the dominions of the other, there shall be given to them all assistance and protection in the same manner which is usual and customary with the vessels of the nation where the damage happens, permitting them to unload the said vessel, if necessary, of its merchandize and effects, without exacting for it any duty, impost, or contribution whatever, until they may be exported, unless they be destined for consumption.

Article XII.

The citizens of each of the contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato; and they may take possession thereof either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And if, in the case of real [e]state, the said heirs would be prevented from entering into the possession of the inheritance on account of their c[h]aracter of aliens, there shall be granted to them the term of three years, to dispose of the same as they may think proper, and to withdraw the proceeds without molestation, nor any other charges than those which are imposed by the laws of the country.

Article XIII.

Both the contracting parties promise and engage, formally, to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in the territories subject to the jurisdiction of the one or the other, transient or dwelling therein, leaving open and free to them the tribunals of justice for their

judicial recourse on the same terms which are usual and *costumary* with the natives or citizens of the country in which they may be; for which they may employ, in defence of their rights, such advocates, solicitors, notaries, agents, and factors as they may judge proper, in all their trials at law; and such citizens or agents shall have free opportunity to be present at the decisions and sentences of the tribunals in all cases which may concern them, and likewise at the taking of all examinations and evidence which may be exhibited on the said trials.

ARTICLE XIV.

The citizens of the United States residing in the territories of the Republic of Venezuela shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief. Neither shall they be annoyed, molested, or disturbed in the proper exercise of their religion in private houses, or in the chapels or places of worship appointed for that purpose, with the decorum due to divine worship, and with due respect to the laws, usages, and customs of the country. Liberty shall also be granted to bury the citizens of the United States who may die in the territories of the Republic of Venezuela, in convenient and adequate places, to be appointed and established by themselves for that purpose, with the knowledge of the local authorities, or in such other places of sepulture as may be chosen by the friends of the deceased; nor shall the funerals or sepulc[h]res of the dead be disturbed in any wise nor upon any account. In like manner, the citizens of Venezuela shall enjoy within the Government and territories of the United States a perfect and unrestrained liberty of conscience and of exercising their religion publicly or privately, within their own dwelling-houses, or in the chapels and places of worship appointed for that purpose, agreeable to the laws, usages, and customs of the United States.

ARTICLE XV.

It shall be lawful for the citizens of the United States of America and of the Republic of Venezuela to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are or hereafter shall be at enmity with either of the contracting parties. It shall, likewise, be lawful for the citizens aforesaid to sail with their ships and merchandizes before mentioned, and to trade with the same liberty and security, from the places, ports, and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of one power or under several; and it is hereby stipulated that free ships shall also give freedom to goods, and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is

also agreed, in like manner, that the same liberty shall be extended to persons who are on board a free ship, with this effect, that, although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are officers or soldiers and in the actual service of the enemies. Provided, however, and it is hereby agreed, that the stipulations in this article contained, declaring that the flag shal[l] cover the property, shall be understood as applaying to those Powers only who recognize this principle; but if either of the two contracting parties shall be at war with a third, and the other neutral, the flag of the neutral shall cover the property of enemies whose governments acknowledge this principle, and not of others.

Article XVI.

It is likewise agreed, that in the case where the neutral flag of one of the contracting parties shall protect the property of the enemies of the other, by virtue of the above stipulations, it shall always be understood that the neutral property found on board such enemy's vessel shall be held and considered as enemy's property, and as such shall be liable to detention and confiscation, except such property as was put on board such vessel before the declaration of war, or even afterwards, if it were done without the knowledge of it: but the contracting parties agree that two months having elapsed after the declaration, their citizens shall not plead ignorance thereof. On the contrary, if the flag of the neutral does not protect the enemy's property, in that case, the goods and merchandizes of the neutral, embarked in such enemy's ship, shall be free.

Article XVII.

This liberty of navigation and commerce shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods shall be comprehended:

1st. Cannons, mortars, howitzers, swivels, blunderbusses, muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, and granades, bombs, powder, matches, balls, and all other things belonging to the use of these arms.

2d. Bucklers, helmets, breastpleates, coats of mail, infantry-belts, and clothes made up in the form and for military use.

3d. Cavalry-belts and horses with their furniture.

4th. And generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials, manufactured, prepared, and form[ed] expressly to make war by sea or land.

Article XVIII.

All other merchandises and things not comprehended in the articles of contraband explicitly enumerated and classified as above shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner, by the citizens of both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular,

it is declared that those places only are besieged or blockaded which are actually attacked by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XIX.

The articles of contraband before enumerated and classified, which may be found in a vessel bound for an enemy's port, shall be subject to detention and confiscation, leaving free the rest of the cargo and the ship, that the owners may dispose of them as they see proper. No vessel of either of the two nations shall be detained on the high seas on account of having on board articles of contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless the quantity of such articles be so great or of so large a bulk that they cannot be received on board the capturing ship without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgment according to law.

ARTICLE XX.

And whereas it frequently happens that vessels sail for a port or places belonging to an enemy without knowing that the same is beseiged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from any officer commanding a vessel of the blockading forces, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper. Nor shall any vessel of either, that may have entered into such port before the same was actually beseiged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XXI.

In order to prevent all kind of disorder in the visiting and examination of the ships and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain out of cannon-shot, and may send its boat with two or three men only, in order to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or ill-treatment, for which the commanders of the said armed ship[s] shall be responsible, with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the damages they may commit; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other purpose whatever.

Article XXII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed, and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to the citizens of the other must be furnished with sea-letters, or passports, expressing the name, property, and bulk of the ship, as also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that said ship really and truly belongs to the citizens of one of the parties: they have likewise agreed that such ship, being laden, besides the said sea-letters, or passports, shall also be provided with certificates containing the several particulars of the cargo, and the place whence the ship sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the ship sail[e]d, in the accustomed form. Without such requisites said vessels may be detained, to be adjudged by the competent tribunal, and may be declared legal prize, unless the said defect shall be proved to be owing to accident, and satisfied or supplied by testimony entirely equivalent.

Article XXIII.

It is further agreed, that the stipulations above expressed relative to the visiting and examination of vessels, shall apply only to those which sail without convoy, and when said vessels shall be under convoy the verbal declaration of the commander of the convoy, on his word of honour, that the vessels under his protection belong to the nation whose flag he carries, and, when they are bound to an enemy's port, that they have no contraband goods on board, shall be sufficient.

Article XXIV.

It is further agreed that in all cases the established courts for prize causes, in the country to which the prizes may be conducted, shall alone take cognizance of them; and whenever such tribunals, of either party, shall pronounce judgment against any vessel, or goods, or property claimed by the citizens of the other party, the sentence or decree shall mention the reason or motives on which the same shall have been founded, and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of said vessel without any delay, he paying the legal fees for the same.

Article XXV.

Whenever one of the contracting parties shall be engaged in war with another State, no citizen of the other contracting party shall accept a commission or letter of marque, for the purpose of assisting or co-operating hostilely with the said enemy against the said party so at war, under the pain of being considered as a pirate.

ARTICLE XXVI.

If, by any fatality, which cannot be expected, and which God forbid, the two contracting parties should be engaged in a war with each other, they have agreed, and do agree now for then, that there shall be allowed the term of six months to the merchants residing on the coasts and in the ports of each other, and the term of one year to those who dwell in the interior, to arrange their business and transport their effects wherever the[y] please, giving to them the safe-conduct necessary for it, which may serve as a sufficient protection until they arrive at the designated port. The citizens of all other occupations, who may be established in the territories or dominions of the United States and of the Republic of Venezuela, shall be respected and maintained in the full enjoyment of their personal liberty and property, unless their particular conduct shall cause them to forfeit this protection, which, in consideration of humanity, the contracting parties engage to give them.

ARTICLE XXVII.

Neither the debts due from individuals of the one nation to the individuals of the other, nor shares, nor moneys which they may have in public funds, nor in public or private banks, shall ever, in any event of war or of national difference, be sequestered or confiscated.

ARTICLE XXVIII.

Both the contracting parties being desirous of avoiding all inequality in relation to their public communications and official intercourse, have agreed, and do agree, to grant to the Envoys, Ministers, and other public agents, the same favours, immunities, and exemptions, which those of the most favoured nation do or shall enjoy; it being understood that whatever favours, immunities, or privileges the United States of America or the Republic of Venezuela may find it proper to give to the Ministers and other public agents of any other Power, shall, by the same act, be extended to those of each of the contracting parties.

ARTICLE XXIX.

To make more effectual the protection which the United States and the Republic of Venezuela shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit Consuls and Vice-Consuls in all the ports open to foreign commerce, who shall enjoy in them all the rights, prerogatives, and immunities of the Consuls and Vice-Consuls of the most favoured nation; each contracting party, however, remaining at liberty to ex[c]ept those ports and places in which the admission and residence of such Consuls [and Vice-Consuls] may not seem convenient.

ARTICLE XXX.

In order that the Consuls and Vice-Consuls of the two contracting parties may enjoy the rights, prerogatives, and immunities which belong to them by their public character, they shall, before entering on

the exercise of their functions, exhibit their commission or patent in due form to the Government to which they are accredited; and, having obtained their exequatur, they shall be held and considered as such by all the authorities, magistrates, and inhabitants in the consular district in which they reside.

Article XXXI.

It is likewise agreed that the Consuls, their secretaries, officers, and persons attached to the service of Consuls, they not being citizens of the country in which the Consul resides, shall be exempt from all kinds of taxes, imposts, and contributions, except those which they shall be obliged to pay on account of commerce or their property, to which the citizens and inhabitants, native and foreign, of the country in which they reside are subject, being in everything besides subject to the laws of the respective States. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate seize or in any way interfere with them.

Article XXXII.

The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention, and custody of deserters from the public and private vessels of their country, and for that purpose they shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing; proving by an exhibition of the registers of the vessel's or ship's roll, or other public documents, that those men were part of the said crews, and on this demand so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expenc[s]e of those who reclaim them, to be sent to the ships to which they belonged, or to others of the same nation. But if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

Article XXXIII.

For the purpose of more effectually protecting their commerce and navigation, the two contracting parties do hereby agree, as soon hereafter as circumstances will permit them, to form a consular convention, which shall declare especially the powers and immunities of the Consuls and Vice-Consuls of the respective parties.

Article XXXIV.

The United States of America and the Republic of Venezuela, desiring to make as durable as circumstances will permit the relations which are to be established between the two parties by virtue of this treaty of peace, amity, commerce, and navigation, have declared solemnly and do agree to the following points:

1st. The present treaty shall remain in full force and virtue for the term of twelve years, to be counted from the day of the exchange of the ratifications, and further, until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same; each of the contracting parties reserving to itself the right of giving such notice to the other at the end of said term of twelve years; and it is hereby agreed between them that, on the expiration of one year after such notice shall have been received by either from the other party, this treaty in all its parts relative to commerce and navigation shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be perpetually and permanently binding on both powers.

2d. If any one *of* [or] more of the citizens of either party shall infringe any of the articles of this treaty, such citizen shall be held personally responsible for the same, and harmony and good correspondence between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offender, or sanction such violation.

3d. If, (what, indeed, cannot be expected,) unfortunately, any of the articles in the present treaty shall be violated or infringed in any other way whatever, it is expressly stipulated that neither of the contracting parties will order or authorize any act of reprisal, nor declare war against the other, on complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice, and the same shall have been either refused or unreasonably delayed.

4th. Nothing in this treaty contained shall, however, be *constructed* [construed] or operate contrary to former and existing public treaties with other Sovereigns and States.

The present treaty of peace, amity, commerce, and navigation, shall be approved and ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Venezuela, with the consent and approbation of the Congress of the same; and the ratifications shall be exchanged in the city of Caracas, within eight months, to be counted from the date of the signature hereof, or sooner if possible.

In faith whereof we, the Plenipotentiaries of the United States of America and of the Republic of Venezuela, have signed and sealed these presents.

Done in the city of Caracas, on the twentieth day of January, in the year of our Lord one thousand eight hundred and thirty-six, and in the sixtieth year of the Independence of the United States of America, and the twenty-sixth of that of the Republic of Venezuela.

[SEAL.] JOHN G. A. WILLIAMSON.
[SEAL.] SANTOS MICHELENA.

1852.

PROTOCOL BETWEEN THE UNITED STATES OF AMERICA AND VENEZUELA.

Signed at Caracas May 1, 1852.

ARTICLES.

1. Payment by Venezuela.
2. Terms of payment.
3. Final settlement.

CONVENTION UPON THE CLAIMS RELATIVE TO THE SCHOONER "ECONOMY" THE SCHOONER "BEN ALLEN" AND CARGO AND THE VESSELS "SAN JOSÉ," "LA CARLOTTA" AND "LA GERTRUDIS" AND THEIR CARGOES.

The undersigned Isaac Nevett Steele, Chargé d'Affaires of the United States of America and Joaquin Herrera, Secretary of State of the Department of Foreign Affairs of the Government of Venezuela, being duly authorized to form an equitable agreement for the payment of the twenty eight and a half per cent which corresponds to Venezuela in the indemnification claimed by those interested in the American Schooner "Economy" confiscated in Maracaibo in the year 1827, the American Schooner "Ben Allen" and her cargo also confiscated in Panama in the year 1827, and in the Vessels "San José" "La Carlotta" and "La Gertrudis" and their cargoes, prizes of the privateer "La Constancia" and her tender "La Joven Constancia", recaptured and sold by Commodore Joly of the Navy of Colombia in the years 1818 and 1819, have agreed upon the following articles.

ARTICLE 1.

The Government of Venezuela obligates itself to pay to the Chargé d'Affaires of the United States with the previous approbation of the present convention by the Congress of Venezuela: the sum of ninety thousand dollars macuquinos ($90,000) with the interest stipulated in the second article, which shall be distributed among the above mentioned claimants in the following manner: namely, to those interested in the Schooner "Economy" five thousand dollars ($5.000), to those interested in the Schooner "Ben Allen" and cargo twelve thousand dollars ($12,000) and to those interested in the said prizes of the "Constancia" and her tender Seventy three thousand dollars ($73,000.)

ARTICLE 2.

Said sum of ninety thousand dollars ($90.000) shall be paid at the Treasury in six annual instalments of fifteen thousand dollars ($15,000) each. The first instalment shall be paid on the thirty first day of December of the present year 1852, and of the remaining five instalments one shall be paid on the thirty first day of December in each of the years 1853, 1854, 1855, 1856 and 1857; and at the time of the payment of each instalment there shall also be paid the interest upon said instalment, which shall be computed at the rate of three per Centum per annum from the date of this Convention up to the said time of payment.

ARTICLE 3.

By the fulfilment of the stipulations in the preceding articles all damages, prejudices, losses and interests, which the persons interested in the Schooner "Economy" the Schooner "Ben Allen" and her cargo, and the said prizes of "the Constancia" and her tender and their cargoes, have claimed or may pretend to claim hereafter of Venezuela, shall remain completely and absolutely indemnified.

In testimony whereof the undersigned have signed in duplicate, in Carácas on the first day of May, one thousand eight hundred and fifty two.

I. NEVETT STEELE.
JOAQN. HERRERA.

1859.

CLAIMS CONVENTION.

Concluded January 14, 1859; ratification advised by the Senate February 21, 1861; ratified by the President, February 26, 1861.

ARTICLES.

I. Venezuela to pay United States.
II. Terms of payment.
III. Settlement in full.
IV. Ratification.

Eduard A. Turpin, Minister Resident of the United States of America, and Luis Sanojo, Secretary of State in the Department of Foreign Relations of the Government of Venezuela, being duly authorized to form an equitable agreement for the satisfaction of the damages and losses sustained by Philo S. Shelton, Sampson and Tappan, and Lang and Delano, in consequence of the evictions of their agents and employees from the Aves Island by the forces of Venezuela, have agreed upon the following articles:

ARTICLE I.

The Government of Venezuela obliges itself to pay to the Government of the United States, or to its Minister Resident in Venezuela, the gross sum of one hundred and thirty thousand dollars, United States currency, ($130,000,) of which said sum, one hundred and five thousand dollars ($105,000) is in liquidation of the claims of Shelton, Sampson and Tappan, and is to be distributed among themselves, and the residue, that is to say, twenty-five thousand dollars, ($25,000,) is in liquidation of claims of Lang and Delano.

Article II.

The said sum of one hundred and thirty thousand dollars, shall be paid in the following terms:

For Shelton, Tappan and Sampson:

1859.	1st June	2,500
	1st August	2,500
	1st October	2,500
	1st December	2,500
		$10,000

		For Shelton & Co.:		For Lang & Delano:	
1860.	30 June	$7,500		2,000	
	31 December	7,500		2,000	
			$15,000		$4,000
1861.	30 June	10,000		2,000	
	31 December	10,000		2,000	
			20,000		4,000
1862.	30 June	10,000		2,500	
	31 December	10,000		2,500	
			20,000		5,000
1863.	30 June	10,000		3,000	
	31 December	10,000		3,000	
			20,000		6,000
1864.	30 June	10,000		3,000	
	31 December	10,000		3,000	
			20,000		6,000
			$95,000		$25,000

Interest at the rate of five per cent. per annum shall be paid on the gross amount of indemnity, commencing from the 1st day of this present month, January, 1859, and being added to the several instalments as they fall due. The interest being always computed on the amount of indemnity, remaining unpaid at the time of the payment of the several instalments.

Article III.

In consideration of the above agreement and indemnification, the Government of the United States, and the individuals in whose behalf they have been made, agree to desist from all farther reclamation respecting the Island of Aves.

Article IV.

This agreement shall be submitted to the present National Convention, and in case it should not be ratified by it before the closing of its present session, then it shall be considered null and void.

Valencia, January the fourteenth, of eighteen hundred and fifty-nine.

E. A. Turpin.
Luis Sanojo.

1860.[a]

Treaty of Amity, Commerce, Navigation, and Extradition.

Concluded August 27, 1860; ratifications advised by the Senate February 12, 1861; ratified by the President February 25, 1861; ratifications exchanged August 9, 1861; proclaimed September 25, 1861.

Articles.

I. Amity.
II. Exemptions from military service.
III. Reciprocal privileges in business.
IV. Religious liberty.
V. Disposition of property.
VI. Discrimination prohibited.
VII. Coasting trade.
VIII. Venezuelan vessels.
IX. Most favored nation.
X. Discriminating duties.
XI. Shipwrecks.
XII. Rights of neutrals.
XIII. Contraband.
XIV. Free ships make free goods.
XV. Passports for vessels.
XVI. Neutral vessels.
XVII. Visitation and search.
XVIII. Ships with convoy.
XIX. Captured vessels.
XX. Crews, etc., of captured vessels.
XXI. Prize courts.
XXII. Privateers.
XXIII. Prizes.
XXIV. Enemies' privateers.
XXV. Letters of marque.
XXVI. Consuls.
XXVII. Extradition.
XXVIII. Extraditable offenses.
XXIX. Surrender of accused.
XXX. Political offenses.
XXXI. Duration.
XXXII. Ratification.

The United States of America and the Republic of Venezuela, equally animated with the desire of maintaining the cordial relations, and of tightening, if possible, the bonds of friendship between the two countries, as well as to augment, by all the means at their disposal, the commercial intercourse of their respective citizens, have mutually resolved to conclude a general convention of amity, commerce, and navigation, and for the surrender of fugitive criminals. For this purpose, they have appointed as their Plenipotentiaries, to wit:

The President of the United States, Edward A. Turpin, Minister Resident near the Government of Venezuela; and the President of Venezuela, Pedro de las Casas, Secretary of State in the Department of Foreign Relations;

Who, after a communication of their respective full powers, have agreed to the following articles:

Article I.

It is the intention of the high contracting parties that there shall continue to be a firm, inviolable, and universal peace, and a true and sincere friendship between the Republics of the United States of America and Venezuela, and between their respective countries, territories, cities, towns, and people, without exception of persons or places. If, unfortunately, the two nations should become involved in war, one with the other, the term of six months after the declaration thereof shall be allowed to the merchants and other citizens and inhabitants respectively, on each side, during which time they shall be at liberty to withdraw themselves, with their effects and

[a] This treaty was terminated October 22, 1870, pursuant to notice from Venezuela.

movables; which they shall have the right to carry away, send away, or sell, as they please, without the least obstruction; nor shall their effects, much less their persons, be seized during such term of six months; on the contrary, passports shall be valid for a term necessary for their return, and shall be given to them for their vessels and the effects which they may wish to carry with them or send away, and such passports shall be a safe conduct against the insults and captures, which privateers may attempt against their persons and effects, and the money, debts, shares in the public funds, or in banks, or any other property, personal or real, belonging to the citizens of the one party in the territories of the other shall not be confiscated or sequestrated.

ARTICLE II.

The citizens of each of the high contracting parties, residing or established in the territory of the other, shall be exempt from all compulsory military service by sea or by land, and from all forced loans or military exactions or requisitions; nor shall they be compelled to pay any contributions whatever higher or other than those that are or may be paid by native citizens.

ARTICLE III.

The citizens of the contracting parties shall be permitted to enter, sojourn, settle, and reside in all parts of said territories, and such as may wish to engage in business shall have the right to hire and occupy warehouses, provided they submit to the laws, as well general as special, relative to the rights of travelling, residing, or trading. While they conform to the laws and regulations in force, they shall be at liberty to manage themselves their own business, subject to the jurisdiction of either party, as well in respect to the consignment and sale of their goods by wholesale or retail, as with respect to the loading, unloading, and sending off their ships. They may also employ such agents or brokers as they may deem proper, and shall in all these cases be treated as the citizens of the country wherein they reside; it being, nevertheless, distinctly understood that they shall be subject to such laws and regulations also in respect to wholesale or retail. They shall have free access to the tribunals of justice, in cases to which they may be a party, on the same terms which are granted by the laws and usage of the country to native citizens; for which purpose they may employ in defense of their interests and rights such advocates, attorneys, and other agents as they may think proper.

ARTICLE IV.

The citizens of each of the high contracting parties, residing in the other, shall enjoy the most perfect liberty of conscience. They shall be subjected to no inconveniences whatever on account of their religious belief; nor shall they in any manner be annoyed or disturbed in the exercise of their religious worship in private houses, or in the chapels and places which they may select for that purpose, provided that, in so doing, they observe the decorum due to the laws, usages, and customs of the country. It is likewise agreed that the citizens of the one country, dying in the territory of the other, may

be interred either in the ordinary cemeteries, or in such others as may be selected for that purpose by their own Government, or by their personal friends or representatives, with the consent of the local authorities. All such cemeteries, and funeral processions going to or returning from them, shall be protected from violation or disturbance.

ARTICLE V.

The citizens of each of the high contracting parties, within the jurisdiction of the other, shall have power to dispose of their personal property by sale, donation, testament, or otherwise; and their personal representatives being citizens of the other contracting party, shall succeed to their personal property, whether by testament or ab intestato. They may take possession thereof, either by themselves, or by others acting for them, at their pleasure, and dispose of the same, paying such duty only as the citizens of the country wherein the said personal property is situated shall be subject to pay in like cases. In the absence of a personal representative, the same care shall be taken of the property as by law would be taken of the property of a native in a similar case, whilst the lawful owner may take measures for securing it. If a question should arise among claimants as to the rightful ownership of the property, the same shall be [finally] decided by the judicial tribunals of the country in which it is situated.

When, on the decease of any person holding real estate within the territory of one party, such real estate would by the law of the land descend on a citizen of the other, were he not disqualified by alienage, the longest term which the laws of the country in which it is situated will permit shall be accorded to him to *to* dispose of the same; nor shall he be subjected, in doing so, to higher or other dues than if he were a citizen of the country wherein such real estate is situated.

ARTICLE VI.

The high contracting parties hereby agree that whatever kind of produce, manufactures, or merchandise, of any foreign country, can be from time to time lawfully imported into the United States, in their own vessels, may also be imported in the vessels of Venezuela, and no higher or other duties upon the tonnage or cargo of the vessels shall be levied or collected, whether the importation be made in a vessel under the flag of the United States or a vessel under the flag of Venezuela. And, reciprocally, whatever kind of produce, manufactures, or merchandize, of any foreign country, can be from time to time lawfully imported into Venezuela, in her own vessels, may also be imported in vessels of the United States; and no higher or other duties upon the tonnage or cargo of the vessel shall be levied or collected, whether the importation be made in a vessel under the flag of Venezuela or under the flag of the United States.

Whatever can be lawfully exported or re-exported by one party, in its own vessels, to any foreign country, may in like manner be exported or re-exported in the vessels of the other; and the same duties, bounties, and drawbacks shall be collected and allowed, whether such exportation or re-exportation be made in vessels of the one or the other. Nor shall higher or other charges of any kind be imposed in

the ports of one party on vessels of the other than are or shall be payable in the same ports by national vessels.

ARTICLE VII.

The preceding article is not applicable to the coasting trade of the contracting parties, which is respectively reserved by each exclusively for its own citizens. But vessels of either country shall be allowed to discharge a part of their cargo[e]s at one port, and proceed to any other port or ports in the territories of the other to discharge the remainder, without paying higher or other port charges or tonnage dues than would be paid by national vessels in such cases, so long as this liberty shall be conceded to any foreign vessels by the laws of both countries.

ARTICLE VIII.

For the better understanding of the preceding stipulations, it has been agreed that every vessel belonging exclusively to a citizen or citizens of Venezuela, and whose captain is also a citizen of the same, such vessel having also complied with all the other requisites established by law to acquire such national character, though the construction and crew are or may be foreign, shall be considered, for all the objects of this treaty, as a Venezuelan vessel.

ARTICLE IX.

No higher or other duty shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of Venezuela, or of her fisheries, and no higher or other duty shall be imposed on the importation into Venezuela of any article the growth, produce, or manufacture of the United States or their fisheries, than are or shall be payable on the like articles the growth, produce, or manufacture of any other foreign country or its fisheries. No other or higher duties or charges shall be imposed in the United States on the exportation of any article to Venezuela, nor in Venezuela on the exportation of any article to the United States, than such as are or shall be payable on the exportation of the like article to any other foreign country.

No prohibition shall be imposed on the importation of any article the growth, produce, or manufacture of the United States or their fisheries, or of Venezuela and her fisheries, from or to the ports of the United States or Venezuela, which shall not equally extend to every other foreign country. If, however, either party shall hereafter grant to any other nation any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it shall be freely granted to such other nation, or for the same equivalent, when the grant shall be conditional.

ARTICLE X.

Should one of the high contracting parties hereafter impose discriminating duties upon the products of any other nation, the other party shall be at liberty to determine the manner of establishing the origin of its own products intended to enter the country by which the discriminating duties are imposed.

ARTICLE XI.

When any vessel of either party shall be wrecked, stranded, or otherwise damaged on the coasts or within the jurisdiction of the other, their respective citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the accident happened; and they shall be liable to pay the same charges and dues of salvage as the said inhabitants would be liable to pay in a like case.

If the repairs which a stranded vessel may require shall render it necessary that the whole or any part of her cargo should be unloaded, no duties of custom, charges, or fees on such cargo as may be carried away shall be paid, except such as are payable in like case by national vessels.

It is understood, nevertheless, that if, while the vessel is under repair, the cargo shall be unladen and kept in a place of deposit destined for the reception of goods, the duties on which have not been paid, the cargo shall be liable to the charges and fees lawfully due to the keepers of such warehouses.

ARTICLE XII.

It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandize, with perfect security and liberty, from the countries, ports, and places of those who are enemies of either party, without any opposition or disturbance whatsoever, and to pass not only directly from the places and ports of the enemy aforementioned to neutral ports and places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or be not under the jurisdiction of the same Power, unless such ports or places be effectively blockaded, besieged, or invested.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is either besieged, blockaded, or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but she shall not be detained, nor any part of her cargo (if not contraband) be confiscated, unless, after notice of such blockade or investment, she shall again attempt to enter; but she shall be permitted to go to any other port or place she shall think proper, provided the same be not blockaded, besieged, or invested. Nor shall any vessel of either of the parties that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from quitting such place with her cargo; nor, if found therein after the reduction and surrender of such place, shall such vessel or her cargo be liable to confiscation, but they shall be restored to the owners thereof.

ARTICLE XIII.

In order to regulate what shall be deemed contraband of war, there shall be comprised under that denomination gunpowder, saltpetre, petards, matches, balls, bombs, grenades, carcasses, pikes,

halberds, swords, belts, pistols, holsters, cavalry saddles and furniture, cannons, mortars, their carriages and beds, and generally all kinds of arms, ammunition of war, and instruments fit for the use of troops. All the above articles, whenever they are destined to the port of an enemy, are hereby declared to be contraband, and just objects of confiscation; but the vessel in which they are laden, and the residue of the cargo, shall be considered free, and not in any manner infected by the prohibited goods, whether belonging to the same or a different owner.

ARTICLE XIV.

It is hereby stipulated that free ships shall give a freedom to goods, and that everything shall be deemed free and exempt which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that, although they be enemies to either party, they are not to be taken out of that free ship unless they are soldiers and in actual service of the enemy.

ARTICLE XV.

In time of war the merchant-ships belonging to the citizens of either of the contracting parties which shall be bound to a port of the enemy of one of the parties, and concerning whose voyage and the articles of their cargo there shall just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports or roads, not only their passports, but likewise their certificates, showing that their goods are not of the quality of those which are specified to be contrabrand in the thirteenth article of the present convention.

ARTICLE XVI.

And that captures on light suspicions may be avoided, and injuries thence arising prevented, it is agreed that, when one party shall be engaged in war, and the other party be neutral, the ships of the neutral party shall be furnished with passports, that it may appear thereby that the ships really belong to the citizens of the neutral party; they shall be valid for any number of voyages, but shall be renewed every year—that is, if the ship happens to return home in the space of a year. If the ships are laden, they shall be provided, not only with the passports above mentioned, but also with certificates, so that it may be known whether they carry any contraband goods. No other paper shall be required, any usage or ordinance to the contrary notwithstanding. And if it shall not appear from the said certificates that there are contraband goods on board, the ships shall be permitted to proceed on their voyage. If it shall appear from the certificates that there are contraband goods on board any such ship, and the commander of the same shall offer to deliver them up, the offer shall be accepted, and a receipt for the same shall be given, and the ship shall be at liberty to pursue its voyage, unless the quantity of the contraband goods be greater than can conven-

iently be received on board the ship of war or privateer; in which case, as in all other cases of just detention, the ship shall be carried into the nearest safe and convenient port for the delivery of the same.

If any ship shall not be furnished with such passport or certificates as are above required for the same, such case may be examined by a proper judge or tribunal; and if it shall appear from other documents or proofs, admissible by the usage of nations, that the ship belongs to the citizens or subjects of the neutral party, it shall not be confiscated, but shall be released with her cargo, (contraband goods excepted,) and be permitted to proceed on her voyage.

If the master of a ship, named in the passport, should happen to die, or be removed by any other cause, and another put in his place, the ship and cargo shall, nevertheless, be equally secure, and the passport remain in full force.

Article XVII.

If the ships of the citizens of either of the parties shall be met with on the high seas by any ship of war or privateer of the other, for the avoiding of any disorder the said ships of war or privateers shall remain out of cannon-shot, and may send their boats on board the merchant-ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship shall exhibit his passport concerning the property of the ship; and it is expressly agreed that the neutral party shall in no case be required to go on board the examining vessel for the purpose of exhibiting his papers, or for any other examination whatever.

Article XVIII.

It is expressly agreed by the high contracting parties that the stipulations above mentioned, relative to the conduct to be observed on the sea by the cruisers of the belligerent party towards the ships of the neutral party, shall be applicable only to ships sailing without convoy, and when the said ships shall be convoyed, it being the intention of the parties to observe all the regards due to the protection of the flag displayed by public ships, it shall not be lawful to visit them; but the verbal declaration of the commander of the convoy that the ships he convoys belong to the nation whose flag he carries, and that they have no contraband goods on board, shall be considered by the respective cruisers as fully sufficient; the two parties reciprocally engaging not to admit under the protection of their convoys ships which shall have on board contraband goods destined to an enemy.

Article XIX.

In all cases where vessels shall be captured, or detained to be carried into port, under pretence of carrying to the enemy contraband goods, the captor shall give a receipt for such of the papers of the vessel as he shall retain, which receipt shall be annexed to a copy of the said papers; and it shall be unlawful to break up or open the

hatches, chests, trunks, casks, bales or vessels found on board, or remove the smallest part of the goods, unless the lading be brought on shore in presence of the competent officers, and an inventory be made by them to the same. Nor shall it be lawful to sell, exchange, or alienate the said articles of contraband in any manner, unless there shall have been lawful process, and the competent judge or judges shall have pronounced against such goods sentence of confiscation.

ARTICLE XX.

And in such time of war, that proper care may be taken of the vessel and cargo, and embezzlement prevented, it is agreed that it shall not be lawful to remove the master, commander, or supercargo of any captured ship from on board thereof, during the time the ship may be at sea after her capture, or pending the proceedings against her or her cargo, or anything relating thereto; and in all cases where a vessel of the citizens of either party shall be captured or seized and held for adjudication, her officers, passengers, and crew shall be hospitably treated; they shall not be imprisoned or deprived of any part of their wearing apparel, nor of the possession and use of their money, not exceeding for the captain, supercargo, and mate five hundred dollars each, and for the sailors and passengers one hundred dollars each.

ARTICLE XXI.

It is further agreed that in all cases the established courts for prize causes in the country to which the prizes may be conducted shall alone take cognizance of them; and whenever such tribunal of either of the parties shall pronounce judgment against any vessel or goods or property claimed by the citizens of the other party, the sentence or decree shall mention the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings in the case, shall, if demanded, be delivered to the commander or agent of the said vessel without any delay, he paying the legal fees for the same.

ARTICLE XXII.

And that more abundant care may be taken for the security of the citizens of the contracting parties, and to prevent their suffering injuries, all commanders of ships of war and privateers, and all others, the said citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them; and, if they act to the contrary, they shall be punished, and shall also be bound, in their persons and estates, to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least two responsible sureties who have no interest in the said privateer, each of whom, together with the said commander, shall be jointly and severally bound in the sum of seven thousand dollars, or of nine thousand four hundred dollars Venezuelan currency, or if said ship be provided with above one

hundred and fifty seamen or soldiers, in the sum of fourteen thousand dollars, or eighteen thousand eight hundred dollars Venezuelan currency, to satisfy all damages and injuries which the said privateer, or her officers or men, or any of them, may do or commit during her cruise contrary to the tenor of this convention, or to the laws and instructions for regulating their conduct; and, further, that in all cases of aggressions said commission shall be revoked and annulled.

ARTICLE XXIII.

When the ships of war of the two contracting parties, or those belonging to their citizens which are armed in war, shall be admitted to enter with their prizes the ports of either of the two parties, the said public or private ships, as well as their prizes, shall not be obliged to pay any duty, either to the officers of the place, the judges, or any others; nor shall such prizes, when they come to and enter the ports of either party, be arrested or seized; nor shall the officers of the place make examination concerning the lawfulness of such prizes, but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. It is understood, however, that the privileges conferred by this article shall not extend beyond those allowed by law, or by treaty with the most favored nations.

ARTICLE XXIV.

It shall not be lawful for any foreign privateers who have commissions from any Prince or State in enmity with either nation to fit their ships in the ports of either, to sell their prizes, or in any manner to exchange them; neither shall they be allowed to purchase provisions, except such as shall be necessary to their going to the next port of that Prince or State from which they have received their commissions.

ARTICLE XXV.

No citizen of Venezuela shall apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the citizens, people, or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any Prince or State with which the said United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the citizens or inhabitants of Venezuela, or any of them, or the property of any of them, from any Prince or State with which the said Republic shall be at war; an if any person of either nation shall take such commissions or letters of marque, he shall be punished according to their respective laws.

ARTICLE XXVI.

The high contracting parties grant to each other the liberty of having in the ports of the other Consuls or Vice-Consuls of their own

appointment, who shall enjoy the same privileges and powers as those of the most favoured nation; but if any of the said Consuls or Vice-Consuls shall carry on trade, they shall be subjected to the same laws and usages to which private individuals of their nation are subjected in the same place.

It is understood that whenever either of the two contracting parties shall select a citizen of the other for a Consular Agent, to reside in any ports or commercial places of the latter, such Consul or Agent shall continue to be regarded, notwithstanding his quality of a foreign Consul, as a citizen of the nation to which he belongs, and consequently shall be subject to the laws and regulations to which natives are subjected in the place of his residence. This obligation, however, shall in no respect embarrass the exercise of his consular functions or affect the inviolability of the consular archives.

The said Consuls and Vice-Consuls shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the masters and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless their assistance should be required, or the conduct of the crews or of the captain should disturb the order or tranquillity of the country. It is, however, understood that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their own country.

The said Consuls and Vice-Consuls are authorized to require the assistance of the local authorities for the arrest and imprisonment of the deserters from the ships of war and merchant-vessels of their country. For this purpose they shall apply to the competent tribunals, judges, and officers, and shall in writing demand such deserters, proving, by the exhibition of the registers of the vessels, the muster-rolls of the crews, or by any other official documents, that such individuals formed part of the crews; and on this claim being substantiated, the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the Consuls and Vice-Consuls, and may be confined in the public prisons at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belong, or to others of the same country. But if not sent back within three months of the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause. However, if the deserter shall be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be pending shall have pronounced its sentence and such sentence shall have been carried into effect.

Article XXVII.

The United States of America and the Republic of Venezuela, on requisitions made in their name through the medium of their respective Diplomatic and Consular Agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: Provided, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their appre-

hension and commitment for trial, if the crime had been committed in the country where the persons so accused shall be found; in all of which the tribunals of said country shall proceed and decide according to their own laws.

Article XXVIII.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery; the counterfeiting of money; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

Article XXIX.

On the part of each country the surrender shall be made only by the authority of the Executive thereof. The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

Article XXX.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

Article XXXI.

This convention is concluded for the term of eight years, dating from the exchange of the ratification; and if one year before the expiration of that period neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

Article XXXII.

This convention shall be submitted on both sides to the approval and ratification of the respective competent authorities of each of the contracting parties, and the ratifications shall be exchanged at Caracas as soon as circumstances shall admit.

In faith whereof the respective Plenipotentiaries have signed the aforegoing articles, in the English and Spanish languages, and they have hereunto affixed their seals.

Done in duplicate, at the city of Caracas, this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and sixty.

[SEAL.] E. A. Turpin.
[SEAL.] Pedro De Las Casas.

1866.[a]

Claims.

Concluded April 25, 1866; ratification advised by the Senate July 5, 1866; ratified by the President August 8, 1866; ratifications exchanged April 17, 1867; proclaimed May 29, 1867.

Articles.

I. Claims; commissioners, etc.
II. Examination of claims; awards.
III. Amount of awards.
IV. Procedure.
V. Decision.
VI. Expenses.
VII. Ratification.

The conclusion of a convention similar to those entered into with other republics, and by which the pending American claims upon Venezuela might be referred for decision to a mixed commission and an umpire, having been proposed to the Venezuelan Government on behalf of the United States of America, as a means of examining and justly terminating such claims; and it having been thought that the adoption of the contemplated course will secure at least some of the advantages attending arbitration, so strongly recommended in article the 112th of the Federal Constitution of Venezuela, while it will preserve unimpaired, as reciprocally desired, the good understanding of both nations: The Citizen First Vice-President in charge of the Presidency has accepted the above proposal, and authorized the Minister for Foreign Relations to negotiate and sign the proper convention. Thereupon said Minister and Mr. E. D. Culver, Minister Resident of the United States of America, also duly empowered for that purpose, have agreed upon the following articles of convention:

Article I.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Venezuela, which may have been presented to their Government, or to its legation in Caracas, shall be submitted for examination and decision to a mixed commission, consisting of two members, one of whom shall be appointed by the Government of the United States, and the other by that of Venezuela. In case of death, absence, resignation, or incapacity of either of the Commissioners, or in the event of either of them omitting or ceasing to act, the Government of the United States or that of Venezuela, respectively, or the Minister of the United States in Caracas, by authority of his Government, shall forthwith proceed to fill the vacancy.

The Commissioners so named shall meet in the city of Caracas within four months from the exchange of the ratifications of this convention; and, before proceeding to business, they shall make solemn oath that they will carefully examine and impartially decide according to justice, and in compliance with the provisions of this convention, all claims submitted to them, and such oath shall be entered on the record of their proceedings.

The Commissioners shall then proceed to appoint an Umpire to decide upon any case or cases concerning which they may disagree, or

[a] Superseded by convention of December 5, 1885 (Art. XIV, page 1864).

upon any point of difference that may arise in the course of their proceedings. And if they cannot agree in the selection, the Umpire shall be named by the Diplomatic Representative either of Switzerland or of Russia, in Washington, on the previous invitation of the high contracting parties.

ARTICLE II.

So soon as the Umpire shall have been appointed, the Commissioners shall proceed, without delay, to examine the claims which may be presented to them under this convention; and they shall, if required, hear one person in behalf of each Government on every separate claim. Each Government shall furnish, on request of either Commissioner, all such documents and papers in its possession, as may be deemed important to the just determination of any claim.

In cases where they agree to award an indemnity, they shall determine the amount to be paid, and issue certificates of the same. In cases when the Commissioners cannot agree, the points of difference shall be referred to the Umpire, before whom each of the Commissioners may be heard, and whose decision shall be final.

The Commissioners shall make such decision as they shall deem, in reference to such claims, conformable to justice, even though such decisions amount to an absolute denial of illegal pretensions, since the including of any such in this convention is not to be understood as working any prejudice in favor of any one, either as to principles of right or matters of fact.

ARTICLE III.

The Commissioners shall issue certificates of the sums to be paid to the claimants, respectively, by virtue of their decisions or those of the Umpire, and the aggregate amount of all sums awarded by the Commissioners, and of all sums accruing from awards made by the Umpire, shall be paid to the Government of the United States. Payments of said sums shall be made in equal annual payments, to be completed within ten years from the date of the termination of the labors of the commission; the first payment to be made six months from same date. Semi-annual interest shall be paid on the several sums awarded at a rate of five per cent. per annum from the date of the termination of the labors of the commission.

ARTICLE IV.

The commission shall terminate its labors in twelve months from the date of its organization, except that thirty days' extension may be given to issue certificates, if necessary, on the decisions of the Umpire in the case referred to in the following article. They shall keep a record of their proceedings, and may appoint a secretary.

ARTICLE V.

The decisions of this commission and those (in case there may be any) of the Umpire, shall be final and conclusive as to all pending claims at the date of their installation. Claims which shall not be presented within the twelve months herein prescribed will be disregarded by both Governments, and considered invalid.

In the event that, upon the termination of the labors of said commission, there should remain pending one or more cases before the Umpire awaiting his decision, the said Umpire is authorized to make his decision and transmit same to the Commissioners, who shall issue their certificates thereupon and communicate [them[a]] to each Government, which shall be held binding and conclusive; provided, however, that his decision shall be given within thirty days from the termination of the labors of the commission, and after the expiration of the said thirty days any decision made shall be void and of no effect.

ARTICLE VI.

Each Government shall pay its own Commissioner, and shall pay one-half of what may [be[a]] due the Umpire and secretary, and one-half the incidental expenses of the commission.

ARTICLE VII.

The present convention shall be ratified, and the ratifications exchanged, so soon as may be practicable, in the city of Caracas.

In testimony whereof the Plenipotentiaries have signed this convention, and hereunto affixed the seals of the Ministry of Foreign Relations of the United States of Venezuela, and of the Legation of the United States of America, in Caracas, this twenty-fifth day of April, in the year one thousand eight hundred and sixty-six.

The Minister Resident of the United States of America,

[SEAL.] E. D. CULVER,

The Minister of Foreign Relations of the United States of Venezuela,

[SEAL.] RAFAEL SEIJAS.

The Commission under the foregoing treaty met at Caracas August 30, 1867, and adjourned August 3, 1868, awarding $1,253,310.30 against Venezuela.

1885.

CLAIMS CONVENTION.[b]

Concluded December 5, 1885; ratification, with amendments advised by Senate April 15, 1886; ratified by President August 7, 1888; ratifications exchanged June 3, 1889; proclaimed June 4, 1889.

ARTICLES.

I. Revival of convention of 1866.
II. Submission of claims.
III. Meeting of commissioners.
IV. Decision by two commissioners.
V. Procedure.
VI. Decision.
VII. Payment.
VIII. Annulment of former awards; rehearings.
IX. Decision in case of annulment.
X. Distribution of award.
XI. Finalty of award.
XII. Termination of commission.
XIII. Expenses.
XIV. Convention of April 25, 1866.
XV. Ratification.

[a] These words by a clerical error were omitted from the English text.

[b] See conventions of March 15, 1888, and October 5, 1888, pages 1865, 1866.

Convention for a re-opening of the claims of citizens of the United States against Venezuela under the Treaty of April 25, 1866.

The President of the United States of America having on the 3d. day of March 1883, approved the following Joint Resolution of Congress: (Public Resolution No. 26)

"Joint Resolution providing for a new Mixed Commission in accordance with the treaty of April twenty-fifth, eighteen hundred and sixty-six, with the United States of Venezuela.

"Whereas since the dissolution of the Mixed Commission appointed under the treaty of April twenty fifth, eighteen hundred and sixty-six, with the United States of Venezuela, serious charges, impeaching the validity and integrity of its proceedings, have been made by the Government of the United States of Venezuela, and also charges of a like character by divers citizens of the United States of America, who presented claims for adjudication before that tribunal; and

"Whereas, the evidence to be found in the record of the proceedings of said commission, and in the testimony taken before committees of the House of Representatives in the matter, tends to show that such charges are not without foundation, and

"Whereas it is desirable that the matter be finally disposed of in a manner that shall satisfy any just complaints against the validity and integrity of the first Commission, and provide a tribunal under said treaty constructed and conducted so as not to give cause for just suspicion; and

"Whereas, all evidence before said late Commission was presented in writing and is now in the archives of the State Department; and,

"Whereas the President of the United States has, in a recent communication to Congress, solicited its advisory action in the matter: Therefore

"*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he hereby is, requested to open diplomatic correspondence with the Government of the United States of Venezuela, with a view to the revival of the general stipulations of the treaty of April 25th. 1866, with said government, and the appointment thereunder of a new Commission, to sit in the city of Washington, which Commission shall be authorized to consider all the evidence presented before the former Commission in respect to claims brought before it, together with such other and further evidence as the claimants, may offer; and from the awards that may be made to claimants, any moneys heretofore paid by the Department of State, upon certificates issued to them, respectively, upon awards made by the former Commission, shall be deducted, and such certificates deemed canceled; and the moneys now in the Department of State received from the Government of Venezuela on account of said awards, and all moneys that may hereafter be paid under said treaty, shall be distributed pro rata in payment of such awards as may be made by the Commission to be appointed in accordance with this resolution."

And the proposal contemplated and authorized by the foregoing joint resolution of Congress having been made by the Government of the United States of America to the Government of the United States of Venezuela, and accepted by the latter through its diplomatic representative in Washington;

The Government of the United States of America and the Government of the United States of Venezuela, to the end of effecting by means of a Convention arrangements for the execution of the accord thus reached between the two Governments, have named their Plenipotentiaries to confer and agree thereupon, as follows:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and

The President of the United States of Venezuela, Antonio M. Sateldo, Chargé d' Affaires of Venezuela at Washington;

Who after having communicated to each other their respective full powers found in good and due form, have agreed upon the following articles:

ARTICLE I.

The general stipulations of the Convention of April 25th 1866, between the contracting parties are hereby revived with such alterations as are required in conformity with the aforesaid joint resolution of the Congress of the United States, and with such further modifications as are deemed necessary for the certain and speedy accomplishment of the ends in view, and for the reciprocal protection of the interests of the high contracting parties as hereinafter provided.

ARTICLE II.

All claims on the part of corporations, companies, or individuals, citizens of the United States, upon the Government of Venezuela, which may have been presented to their Government or to its legation at Caracas, before the first day of August, 1868, and which by the terms of the aforesaid Convention of April 25th, 1866, were proper to be presented to the Mixed Commission organized under said Convention shall be submitted to a new Commission, consisting of three Commissioners one of whom shall be appointed by the President of the United States of Venezuela, and one by the President of the United States of America, and the third shall be chosen by these two Commissioners; if they cannot agree within ten days from the time of their first meeting as hereinafter provided, then the diplomatic representative of either Russia or Switzerland at this capital shall be requested by the Secretary of State and Venezuelan Minister at Washington to name the third Commissioner.

In case of the death, resignation or incapacity of any of the Commissioners, or in the event of any of them omitting or ceasing to act, the vacancy shall be filled within three months by naming another Commissioner in like manner as herein provided for the original appointment.

ARTICLE III.

The Commissioners so appointed shall meet in the city of Washington at the earliest convenient time within three months from the exchange of the ratifications of this Convention and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will carefully examine and impartially decide, according to justice and in compliance with the provisions of this convention, all claims submitted to them in conformity herewith, and such declaration shall be entered on the record of their proceedings.

ARTICLE IV.

The concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty, and for every final decision or award.

ARTICLE V.

As soon as the Commission shall have organized, notice shall be given to the respective Governments of the date of organization and of readiness to proceed to the transaction of the business of the Commission.

The Commissioners shall thereupon proceed without delay to hear and examine all the claims which by the terms of the aforesaid Convention of April 25, 1866, were proper to be presented to the Mixed Commission organized under the Convention of April 25, 1866; and they shall to that end consider all the evidence admissible under the aforesaid Convention of April 25, 1866, in respect to claims adjudicable thereunder, together with such other and further evidence as the claimants may offer through their respective Governments, and they shall, if required, hear one person on behalf of each Government on every separate claim.

All the papers and evidence before the said former Commission, now on file in the archives of the Department of State at Washington, shall be laid before the Commission; and each Government shall furnish, at the request of the Commissioners, or of any two of them, all such papers and documents in its possession as may be deemed important to the just determination of any claim.

ARTICLE VI.

The Commissioners shall make such decision as they shall deem, in reference to such claims, conformable to justice.

The concurring decisions of the three Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating in the event of a pecuniary award being made, the amount of equivalent value of the same, expressed in gold coin of the United States of America; and in the event of interest being allowed for any cause and embraced in such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

In all cases where the Commissioners award an indemnity as aforesaid, they shall issue one certificate of the sum to be paid to each claimant, respectively, by virtue of their decisions, inclusive of interest when allowed, and after having deducted from the sum so found due to any claimant or claimants any moneys heretofore paid by the Department of State at Washington upon certificates issued to such claimants, respectively, upon awards made by the former Mixed Commission under the Convention of April 25th, 1866. And all certificates of awards issued by the said former Mixed Commission shall be deemed canceled from the date of the decision of the present Commission in the case in which they were issued.

The aggregate amount of all sums awarded by the present Commission, and of all sums accruing therefrom, shall be paid to the United States. Payment of said aggregate amount shall be made in equal annual payments to be completed within ten years from the date of the termination of the labors of the present Commission. Semi-annual interest shall be paid on the aggregate amount awarded, at the rate of five per cent per annum from the date of the termination of the labors of the Commission.

ARTICLE VII.

The moneys now in the Department of State actually received from the Government of Venezuela on account of the awards of said former mixed Commission under the convention of April 25, 1866, and all moneys that may hereafter be paid on said former account by the Government of Venezuela to the Government of the United States, shall be credited to the Government of Venezuela in computing the aggregate total which may be found due to the Government of the United States under the stipulations of the preceding article, and the balance only shall be considered as due and payable with interest in ten annual payments as aforesaid. Provided however, that in the event of the aggregate amount which the present Commission may find due to the Government of the United States being less than the aggregate of the sums actually received from the Government of Venezuela, and remaining undistributed in the Department of State, at Washington, the Government of the United States will refund such excess to the Government of Venezuela within six months from the conclusion of the labors of the Commission. The payment of moneys due from the Government of Venezuela to the Government of the United States under the former Convention of April 25, 1866, shall be deemed to have ceased from the first day of April 1883, to be resumed should occasion arise as hereinbefore provided.

ARTICLE VIII.

In the event of the annulment of any awards made by the former Mixed Commission under the Convention of April 25, 1866, the Government of the United States is not to be regarded as responsible to that of Venezuela for any sums which may have been paid by the latter Government on account of said awards, so far as said sums may have been distributed. In like manner, if the awards made by the present Commission and the certificates issued by it shall in any case be found less than the amount heretofore paid to the claimants from the moneys received from Venezuela, the Government of the United States shall not be regarded as responsible by reason thereof to the Government of Venezuela.

The rehearing provided in the present Convention affects, as against the Government of the United States, only the installments of moneys paid to and now held by the United States, and those hereafter to be paid; and the effect of such annulment or reduction in any case shall be to discharge the Government of Venezuela, wholly and forever, from any obligation to pay further installments in such case, except as provided in the present convention.

ARTICLE IX.

It is further agreed that if the Commission, hereunder organized shall in whole or part annul any money awards made in any cases by the former Mixed Commission under the Convention of April 25, 1866, it shall be the duty of the Commission to examine and decide whether, under all the circumstances, and with due regard to principles of justice and equity, there are any third parties who have, with the observance of due care and diligence, become possessed, prior to the date of the exchange of ratification hereof, for a just and valuable consideration, of any portion of the certificates of award heretofore issued in said claims, and whether, under the constitution or laws of either of the contracting parties, said third parties have acquired vested rights by virtue of the awards of the former Commission under the Convention of 1866, imposing the duty on the Government of the United States to collect from Venezuela the amount or proportion of said certificates of awards which may be held and owned by third parties.

If the present Commission shall decide that there are third parties who are possessed of vested rights, then it shall examine and ascertain the sum paid by each and all of said third parties for their respective interests or shares in said awards, and shall fix the amount of their said interest in said certificates of award or each of them, and shall issue new certificates of award for the sums so adjudged due, which shall be paid by Venezuela to the United States in the manner hereinbefore stipulated, the same as all other certificates issued by the present Commission.

ARTICLE X.

Upon the conclusion of the labors of the Commission organized in virtue of this present Convention, the Department of State of the United States of America shall distribute pro rata among the holders of the certificates which may be issued under the present convention, the moneys in the Department of State actually received from the Government of Venezuela on account of the awards of the former Mixed Commission under the convention of April 25, 1866; and all moneys that may hereafter be paid to the United States under this present convention shall be in like manner distributed pro rata in payment of such awards as may be made under this present convention.

ARTICLE XI.

The decisions of the Commission organized under this present convention shall be final and conclusive as to all claims presented or proper to be presented to the former Mixed Commission.

ARTICLE XII.

The Commission appointed under this present convention shall terminate its labors within twelve months from the date of its organization. A record of the proceedings of the Commission shall be kept, and the Commissioners may appoint a Secretary.

Article XIII.

Nothwithstanding that the present Commission is organized in consequence of representations made by the Government of Venezuela and that it deals solely with the claims of citizens of the United States, (for which reasons the United States might properly claim that all the expenses hereunder should be borne by Venezuela alone) it is agreed that, in continuation of the arrangement made in the former Convention of 1866, the expenses shall be shared as follows: each government shall pay its own Commissioner and shall pay one-half of what may be due to the third Commissioner and the Secretary, and one-half of the incidental expenses of the Commission.

Article XIV.

Except so far as revived, continued, modified and replaced by the terms and effects of this present Convention, the effects of the former Convention of April 25, 1866, shall absolutely cease and determine from and after the date of the exchange of ratifications of this present convention, and the high contracting parties hereby agree that the responsibilities and obligations arising under said former convention shall be deemed wholly discharged and annulled by the substitution therefor of the responsibilities contracted and obligations created under this present convention, to which the high contracting parties mutually bind themselves to give full, perfect and final effect, without any evasion, reservation or delay whatever.

Article XV.

The present convention shall be ratified by the President of the United States of Venezuela by and with the advice and consent of the Senate of the United States of Venezuela, and by the President of the United States by and with the advice and consent of the Senate of the United States of America, and the ratifications shall be exchanged at Washington within twelve months from the date of this present Convention, and the publication of the exchange of ratifications shall be notice to all persons interested.

In testimony whereof the respective plenipotentiaries have hereunto affixed their signatures and seals.

Done in duplicate, in the English and Spanish languages, at the city of Washington, this 5th day of December 1885.

[SEAL] T. F. Bayard
[SEAL] A. M. Soteldo

See note concerning result of Claims Commission under convention of October 5, 1888, p. 1868.

1888.[a]

Convention to Remove Doubts as to the Meaning of the Convention of 1885.

Concluded March 15, 1888; ratification advised by the Senate June 18, 1888; ratified by the President August 7, 1888; ratifications exchanged June 3, 1889; proclaimed June 4, 1889.

Convention between the United States and Venezuela to remove doubts as to the meaning of the Convention signed December 5, 1885.

Whereas doubts have arisen in respect of the true intent and meaning of Article IX of the treaty between the United States of America and the United States of Venezuela signed at Washington on the fifth day of December, 1885, and, in consequence of such ambiguities, the exchange of ratifications of said treaty has not taken place within the period therein prescribed for such exchange;

And, whereas, the High Contracting Parties are desirous of removing all doubts in respect of the meaning and intent of said Article, and of extending the time for the exchange of ratifications of said treaty, to the end of reaching an amicable and honorable solution of the difficulties that now impair their good relations;

The Government of the United States of America and the Government of the United States of Venezuela, have named as their Plenipotentiaries to conclude a Convention for that purpose, the President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and the President of the United States of Venezuela, José Antonio Olavarria, Chargé d' Affaires of Venezuela at Washington, who, after reciprocal communication of their full powers, found in due and good form, have agreed upon the following Articles:

Article I.

It is understood and agreed that in the event of any of the awards of the Mixed Commission under the Convention of April 25, 1866, being annulled in whole or in part by the Commission authorized and created by Article II of the Treaty of December 5, 1885, no new award shall in any case be made by said Commission, to the holders of certificates of any award or awards annulled as aforesaid, in excess of the sum which may be found to be justly due to the original claimant.

Article II.

The time fixed for the exchange of the ratifications of the aforesaid treaty between the United States and Venezuela signed at Washington on the fifth day of December, A. D. one thousand eight hundred and eighty-five, is hereby extended to a period not exceeding five months from the date of this Convention or sooner if possible.

Article III.

The present convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the United States of Venezuela by and with the advice and consent of the Congress thereof, and the ratifications shall be exchanged at Washington as soon as possible

[a] Page 1858.

within the time specified in Article II hereof, as the period of extension of the time for the exchange of ratifications of the treaty signed at Washington on the fifth day of December, 1885.

In witness whereof the respective plenipotentiaries have signed and sealed the present Convention in duplicate.

Done at Washington this 15th day of March, A. D., 1888.

[SEAL] T. F. BAYARD
[SEAL] J A OLAVARRIA

See note concerning claims convention of October 5, 1888, p. 1868.

1888.[a]

CONVENTION EXTENDING CONVENTION OF 1885.

Concluded October 5, 1888; ratification advised by Senate December 5, 1888; ratified by President January 30, 1889; ratifications exchanged June 3, 1889; proclaimed June 4, 1889.

ARTICLES.

I. Extension. | II. Ratification.

Supplementary Convention between the United States of America and Venezuela, to further extend the period fixed for the exchange of ratifications of the Convention of December 5, 1885, and to extend the period for the exchange of the ratifications of the Convention of March 15, 1888.

Whereas, by Articles I and II of a Convention, signed and concluded by the respective Plenipotentiaries of the United States and Venezuela, in the city of Washington, on the 15th day of March, 1888, it was provided that the time fixed by the Convention between the said parties, signed and concluded December 5, 1885, for the exchange at Washington of the ratifications thereof, should be extended to a period not exceeding five months from the date of said Convention, to wit, from the 15th day of March, 1888, or sooner if possible, and that the ratifications of the said Convention of March 15, 1888, should in like manner be exchanged at Washington within the same period;

And whereas the period, as aforesaid prescribed, elapsed on the 15th day of August, 1888, without such exchange having been effected;

And whereas it appears that the Congress and Government of Venezuela did, according to the Constitutional forms of that Republic, ratify and confirm the said conventions at Caracas on the 27th day of July, 1888, and that the President of the Republic of Venezuela did on the 2nd day of August, 1888, fully empower the representatives of that Republic in the United States to exchange ratifications thereof with whoever should be duly authorized on behalf of the United States;

And whereas the said Conventions having been theretofore duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, the Secretary of State of the United States, duly empowered by the President of the United States, was ready on and before the said 15th day of August, 1888, to effect the exchange of ratifications of the said conventions as stipulated;

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[a] See page 1858.

And whereas, by reason of unavoidable delay, the copy of the said Convention ratified by the Government of Venezuela as aforesaid and the necessary powers to enable the Representative of that Government in the United States to make exchange of ratifications could not be produced in the city of Washington, D. C., until after the expiration of the period so as aforesaid stipulated for the exchange of ratifications;

Now, therefore, the Governments of the United States and Venezuela being desirous of completing and putting in force the two Conventions aforesaid at the earliest day possible, have respectively named as their Plenipotentiaries to conclude a Convention for that purpose,

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America,

And the President of the United States of Venezuela, Francisco Antonio de Silva, Chargé d'Affaires of the United States of Venezuela at Washington;

Who, after reciprocally satisfying each other in good and due form of their competency to negotiate to such end, have agreed upon the following Articles:

ARTICLE I.

The time fixed, by Articles I and II of the Convention between the Contracting Parties, signed at Washington, the 15th day of March, 1888, within which to effect the exchange of the ratifications of the convention between said parties signed at Washington on the 5th day of December, 1885, and also of the said Convention of the 15th day of March, 1888, is hereby extended to a period not exceeding ten months from the 15th day of August, one thousand eight hundred and eighty-eight,—or sooner if possible.

ARTICLE II.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the United States of Venezuela, by and with the advice and consent of the Congress thereof; and the ratifications shall be exchanged at Washington, as soon as possible within the time specified in Article I hereof as the period of extension of the time for the exchange of ratifications of the Convention signed at Washington, on the 5th day of December, 1885, and of the Convention signed at Washington on the 15th day of March, 1888.

In witness whereof the respective Plenipotentiaries have signed and sealed the present Convention in duplicate, in the English and Spanish languages.

Done at Washington, this fifth day of October in the year of our Lord, one thousand eight hundred and eighty-eight.

[SEAL.] Fco Antº Silva.
[SEAL.] T. F. Bayard.

The commission authorized by the conventions of December 5, 1885, March 15, 1888, October 5, 1888, to reopen and decide the awards under the treaty of 1866, was organized in Washington September 3, 1889, and adjourned September 2, 1890, awarding claims against Venezuela amounting to $980,572.60.

1892.

CLAIMS CONVENTION—VENEZUELA STEAM TRANSPORTATION COMPANY.

Concluded at Caracas January 19, 1892; retification advised by the Senate March 17, 1892; ratified by the President July 2, 1894; ratifications exchanged July 28, 1894; proclaimed July 30, 1894.

ARTICLES.

I. Submission to arbitration.
II. Arbitrators.
III. Meeting; judgment.
IV. Decision.
V. Award.
VI. Ratification.

The Government of the United States of America and the United States of Venezuela, being mutually desirous of removing all causes of difference between them in a manner honorable to both parties and in consonance with their just rights and interests, have resolved to submit to arbitration the claim of the "Venezuela Steam Transportation Company", and have respectively named as their plenipotentiaries to conclude a Convention for that purpose:—

The President of the United States of America, William L. Scruggs, Envoy Extraordinary and Minister Plenipotentiary of the United States at Caracas;

And the President of the United States of Venezuela, Doctor Rafael Seijas, legal adviser for the Department of Foreign Relations;

Who, after having exhibited their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.,

The high contracting parties agree to submit to arbitration the question whether any, and, if any, what indemnity shall be paid by the Government of the United States of Venezuela to the Government of the United States of America for the alleged wrongful seizure, detention and employment in war or otherwise of the Steamships *Hero*, *Nutrias* and *San Fernando*, the property of the "Venezuela Steam Transportation Company," a corporation existing under the laws of the State of New York, and a citizen of the United States, and the imprisonment of its officers, citizens of the United States.

ARTICLE II.,

The question stated in Article I., shall be submitted to a board of three Commissioners, one to be appointed by the President of the United States of America, one by the President of the United States of Venezuela, and the third who shall not be either an American or a Venezuelan citizen, to be chosen by the two appointed as aforesaid; but if, within ten days from the time of their first meeting as hereinafter provided, they cannot agree upon the third Commissioner, the Secretary of State of the United States and the Venezuelan Minister at Washington shall forthwith request either the Diplomatic repre-

sentative of Belgium or that of Sweden and Norway at that capital to name him subject to the restriction aforesaid.

The Commissioners to be chosen by the President of the United States of America and the President of the United States of Venezuela shall be appointed within a month from the date of the exchange of the ratifications of this Convention.

In case of the death, resignation or incapacity of any of the Commissioners, or in the event of any of them ceasing or omitting to act, the vacancy shall be filled in the same manner as is herein provided for the original appointment.

ARTICLE III.,

The Commissioners appointed by the President of the United States of America and the President of the United States of Venezuela shall meet in the city of Washington at the earliest convenient moment within three months from the date of the exchange of the ratifications of this Convention, and shall proceed to the selection of a third Commissioner.

When such Commissioner shall have been chosen, either by agreement between the two first named, or in the alternate manner hereinbefore provided, the three Commissioners shall meet in the city of Washington at the earliest practicable moment within five months from the date of the exchange of the ratifications of this Convention, and shall subscribe, as their first act, a solemn declaration to examine and decide the claim submitted to them in accordance with justice and equity and the principles of international law.

The concurrent judgment of any two of the Commissioners shall be adequate for the decision of any question that may come before them, and for the final award.

ARTICLE IV.,

The Commissioners shall decide the claim on the Diplomatic correspondence between the two Governments relative thereto, and on such legal evidence as may be submitted to them by the high contracting parties within two months from the date of the first meeting of the full Commission.

Their decision shall be rendered within three months at farthest from the date of such first meeting, and shall be final and conclusive.

They shall hear one person as Agent in behalf of each Government and consider such arguments as either of such persons may present; and may, in their discretion, hear other counsel either in support of or in opposition to the claim.

ARTICLE V.,

If the award shall be in favor of the United States of America, the amount of the indemnity, which shall be expressed in American gold, shall be paid in cash at the city of Washington, in equal annual sums, without interest, within five years from the date of the award, the first of the five payments to be made within eight months from that date. Each Government shall pay its own commissioner and agent, and all other expenses including clerk hire shall be borne by the two Governments in equal moieties.

ARTICLE VI.

This Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof; and by the President of the United States of Venezuela, with the approval of the Congress thereof; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed and sealed the present Convention in duplicate, in the English and Spanish languages.

Done at Carácas this nineteenth day of January, in the year of our Lord one thousand eight hundred and ninety-two.

[SEAL.] WILLIAM L. SCRUGGS.
[SEAL.] RAFAEL SEIJAS

The commission under the aforegoing convention rendered its award March 26, 1895, awarding $141,800 in favor of the United States and $300 in favor of Venezuela.

1903.

PROTOCOL WITH VENEZUELA SUBMITTING TO ARBITRATION CLAIMS AGAINST VENEZUELA.

Concluded February 17, 1903.

ARTICLES.

I. Commission; decision.
II. Basis of decision.
III. Record.
IV. Compensation.
V. Source of payment.
VI. Prompt payment.

The United States of America and the Republic of Venezuela, through their representatives, John Hay, Secretary of State of the United States of America, and Herbert W. Bowen, the Plenipotentiary of the Republic of Venezuela, have agreed upon and signed the following protocol.

ARTICLE I.

All claims owned by citizens of the United States of America against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments, and which shall have been presented to the commission hereinafter named by the Department of State of the United States or its Legation at Caracas, shall be examined and decided by a mixed commission, which shall sit at Caracas, and which shall consist of two members, one of whom is to be appointed by the President of the United States and the other by the President of Venezuela.

It is agreed that an umpire may be named by the Queen of the Netherlands. If either of said commissioners or the umpire should fail or cease to act, his successor shall be appointed forthwith in the same manner as his predecessor. Said commissioners and umpire are to be appointed before the first day of May, 1903.

The commissioners and the umpire shall meet in the city of Caracas on the first day of June, 1903. The umpire shall preside over their deliberations, and shall be competent to decide any question on which the commissioners disagree. Before assuming the functions of their office the commissioners and the umpire shall take solemn oath carefully to examine and impartially decide, according to justice and the provisions of this convention, all claims submitted to them, and such oaths shall be entered on the record of their proceedings. The commissioners, or in case of their disagreement, the umpire, shall decide all claims upon a basis of absolute equity, without regard to objections of a technical nature, or of the provisions of local legislation.

The decisions of the commission, and in the event of their disagreement, those of the umpire, shall be final and conclusive. They shall be in writing. All awards shall be made payable in United States gold, or its equivalent in silver.

ARTICLE II.

The commissioners, or umpire, as the case may be, shall investigate and decide said claims upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of or in answer to any claim, and to hear oral or written arguments made by the Agent of each Government on every claim. In case of their failure to agree in opinion upon any individual claim, the umpire shall decide.

Every claim shall be formally presented to the commissioners within thirty days from the day of their first meeting, unless the commissioners or the umpire in any case extend the period for presenting the claim not exceeding three months longer. The commissioners shall be bound to examine and decide upon every claim within six months from the day of its first formal presentation, and in case of their disagreement, the umpire shall examine and decide within a corresponding period from the date of such disagreement.

ARTICLE III.

The commissioners and the umpire shall keep an accurate record of their proceedings. For that purpose, each commissioner shall appoint a secretary versed in the language of both countries, to assist them in the transaction of the business of the commission. Except as herein stipulated, all questions of procedure shall be left to the determination of the commission, or in case of their disagreement, to the umpire.

ARTICLE IV.

Reasonable compensation to the commissioners and to the umpire for their services and expenses, and the other expenses of said arbitration, are to be paid in equal moieties by the contracting parties.

ARTICLE V.

In order to pay the total amount of the claims to be adjudicated as aforesaid, and other claims of citizens or subjects of other nations,

the Government of Venezuela shall set apart for this purpose, and alienate to no other purpose, beginning with the month of March, 1903, thirty per cent. in monthly payments of the customs revenues of La Guaira and Puerto Cabello, and the payments thus set aside shall be divided and distributed in conformity with the decision of the Hague Tribunal.

In case of the failure to carry out the above agreement, Belgian officials shall be placed in charge of the customs of the two ports, and shall administer them until the liabilities of the Venezuelan Government in respect to the above claims shall have been discharged. The reference of the question above stated to the Hague Tribunal will be the subject of a separate protocol.

ARTICLE VI.

All existing and unsatisfied awards in favor of citizens of the United States shall be promptly paid, according to the terms of the respective awards.

Washington, D. C. February 17, 1903.

JOHN HAY [SEAL]
HERBERT W. BOWEN. [SEAL]

The mixed commission under the foregoing protocol awarded in favor of the U. S. the sum of $2,313,711.37.

1903.[a]

PROTOCOLS OF AGREEMENTS BETWEEN VENEZUELA AND GREAT BRITAIN, GERMANY, AND ITALY—TO WHICH THE UNITED STATES AND OTHER POWERS ARE PARTIES—RESPECTING THE REFERENCE OF THE QUESTION OF THE PREFERENTIAL TREATMENT OF CLAIMS TO THE TRIBUNAL AT THE HAGUE.

Signed at Washington May 7, 1903.

Whereas Protocols have been signed between Venezuela on the one hand, and Great Britain, Germany, Italy, United States of America, France, Spain, Belgium, the Netherlands, Sweden and Norway, and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

And whereas certain further questions arising out of the action taken by the Governments of Great Britain, Germany and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provisions of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on the 29th July, 1899;

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[a] Award, page 1878.

The Governments of Venezuela and Great Britain have, with a view to carry out that Resolution, authorized their Representatives, that is to say:—

For Venezuela, Mr. Herbert W. Bowen, duly authorized thereto by the Government of Venezuela, and for Great Britain His Excellency Sir Michael Henry Herbert G. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America, to conclude the following Agreement.

Article I.

The question as to whether or not Great Britain, Germany and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guaira and Puerto Cabello for the payment of the claims of all nations against Venezuela the Tribunal at the Hague shall decide how the said revenues shall be divided between the Blockading Powers on the one hand and the other Creditor Powers on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers, and the Parties hereto agree that the Tribunal in that case shall consider, in connection with the payment of the claims out of the 30 per cent, any preference or pledges of revenue enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

Article II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

Article III.

The Emperor of Russia shall be invited to name and appoint from the members of the Permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this Agreement. None of the arbitrators so appointed shall be a citizen or subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903, and shall render its decision within six months thereafter.

Article IV.

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29, 1899.

ARTICLE V.

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the costs of this arbitration shall be paid.

ARTICLE VI.

Any nation having claims against Venezuela may join as a party in the arbitration provided for by this Agreement.

Done at Washington this seventh day of May, 1903.

[SEAL.] HERBERT W. BOWEN.
[SEAL.] MICHAEL H. HERBERT.

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America,

JOHN HAY

For the Republic of Mexico,

[SEAL.] M. DE AZPIROZ.

For Sweden and Norway,

[SEAL.] MAY 27, 1903. A. GRIP.

L'Ambassadeur de France, dûment autorisé et agissant au nom de son Gouvernement, adhère au Protocole ci-dessus, sous réserve qu'il est bien entendu que l'article IV du dit protocole ne fera pas obstacle à l'application de la disposition de l'article 38 de l'acte de La Haye, aux termes de laquelle c'est le tribunal arbitral qui décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

1 JUIN 1903

[SEAL.] JUSSERAND.

Le ministre de Belgique, dûment autorisé et agissant au nom de son gouvernement adhère au protocole ci-dessus.

12 JUIN 1903

[SEAL.] BN MONCHEUR.

Le Ministre des Pays-Bas, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

WASHINGTON, *le 13 Juin, 1903.*

[SEAL.] GEVERS.

Whereas protocols have been signed between Germany, Great Britain, Italy, the United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway, and Mexico on the one hand, and Venezuela on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government:

And whereas certain further questions arising out of the action taken by the Governments of Germany, Great Britain and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods:

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the pro-

visions of the Convention for the Pacific Settlement of International Disputes, signed at the Hague on the 29th July 1899.

Venezuela and Germany have, with a view to carry out that Resolution, authorized their representatives, that is to say:

Mr. Herbert W. Bowen as plenipotentiary of the Government of Venezuela and

The Imperial German Minister Baron Speck von Sternburg as representative of the Imperial German Government to conclude the following Agreement:

ARTICLE I.

The question as to whether or not Germany, Great Britain, and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela, shall be submitted for final decision to the Tribunal at the Hague.

Venezuela having agreed to set aside 30% of the customs revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at the Hague shall decide how the said revenues shall be divided between the blockading Powers on the one hand and the other creditor Powers on the other hand and its decision shall be final.

If preferential or separate treatment is not given to the blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the creditor Powers and the parties hereto agree that the Tribunal in that case shall consider in connection with the payment of the claims out of the 30% any preference or pledges of revenue enjoyed by any of the creditor Powers, and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

ARTICLE 2.

The facts on which shall depend the decision of the questions stated in Article 1 shall be ascertained in such manner as the Tribunal may determine.

ARTICLE 3.

The Emperor of Russia shall be invited to name and appoint from the members of the permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this agreement. None of the arbitrators so appointed shall be a subject or citizen of any of the signatory or creditor Powers.

The Tribunal shall meet on the first day of September 1903, and shall render its decision within six months thereafter.

ARTICLE 4.

The proceedings shall be carried on in the English language but arguments may with the permission of the Tribunal be made in any other language also. Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29th 1899.

ARTICLE 5.

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the cost of this Arbitration shall be paid.

ARTICLE 6.

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

Done in duplicate at Washington this seventh day of May one thousand and nine hundred and three.

[SEAL.] HERBERT W. BOWEN.
[SEAL.] STERNBURG.

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico
[SEAL.] M. DE AZPIROZ.

For Sweden and Norway,
[SEAL.] MAY 27, 1903. A. GRIP.

L'Ambassadeur de France, dûment autorisé et agissant au nom de son Gouvernment, adhère au Protocole ci-dessus, sous réserve qúil est bien entendu que l'article IV dudit protocole ne fera pas obstacle à l'application de la disposition de l'article 38 de l'acte de La Haye, aux termes de laquelle c'est le tribunal arbitral qui décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

1er JUIN 1903.
[SEAL.] JUSSERAND

Le Ministre de Belgique, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

12 JUIN 1903
[SEAL.] BN. MONCHEUR

Le Ministre des Pays-Bas dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.—

WASHINGTON, *le 13 Juin, 1903.*—
[SEAL.] GEVERS.

Whereas Protocols have been signed between Venezuela, on the one hand, and Italy, Great Britain, Germany, United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

And whereas certain further questions arising out of the action taken by the Governments of Italy, Germany and Great Britain in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in acordance with the provision of The Convention for the Pacific Settlement of International Disputes signed at The Hague on the 29th July, 1899;

The Governments of Venezuela and Italy, with a view to carry out that resolution, authorized their Representatives, that is to say:

For Venezuela Mr. Herbert W. Bowen duly authorized thereto by the Government of Venezuela;

For Italy, His Excellency Nobile Edmondo Mayor des Planches, His Majesty The King of Italy's Ambassador Extraordinary and Plenipotentiary to the United States of America;

to conclude the following Agreement:

Article I

The question as to whether or not Italy, Germany and Great Britain are entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at The Hague shall decide how the said revenues shall be divided between the Blockading Powers, on the one hand, and the other Creditor Powers, on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers, and the Parties hereto agree that the Tribunal, in that case, shall consider, in connection with the payment of the claims out of 30% any preference or pledges of revenues enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

Article II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

Article III

The Emperor of Russia shall be invited to name and appoint from the Members of the Permanent Court of The Hague three Arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this Agreement.

None of the Arbitrators so appointed shall be a citizen or a subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903 and shall render its decision within six months thereafter.

Article IV

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of The Hague of July 29th 1899.

ARTICLE V

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29th 1899, also decide how, when and by whom the costs of this Arbitration shall be paid.

ARTICLE VI

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

WASHINGTON D. C. *May 7, 1903*

HERBERT W. BOWEN. [SEAL.]
E. MAYOR DES PLANCHES [SEAL.]

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico
[SEAL.] M. DE AZPIROZ

For Sweden and Norway,
[SEAL.] MAY 27, 1903. A. GRIP.

L'Ambassadeur de France, dûment autorisé et agissant au nom de son Gouvernement, adhère au Protocole ci-dessus, sous réserve qu'il est bien entendu que l'article IV dudit protocole ne fera pas obstacle à l'application de la disposition de l'article 38 de l'acte de La Haye, aux termes de laquelle c'est le tribunal arbitral qui décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

1er JUIN 1903
[SEAL.] JUSSERAND

Le Ministre de Belgique, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

12 JUIN 1903
[SEAL.] BN. MONCHEUR.

Le Ministre des Pays-Bas, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

WASHINGTON, *le 13 Juin, 1903.*—
[SEAL.] GEVERS.

AWARD.

The award under the foregoing protocols, after reciting the questions to be decided, provides;

"Whereas the above named arbitrators, having examined with impartiality and care all the documents and acts presented to the tribunal of arbitration by the agents of the powers interested in this litigation, and having listened with the greatest attention to the oral pleadings delivered before the tribunal by the agents and counsel of the parties to the litigation;

Whereas the tribunal, in its examination of the present litigation had to be guided by the principles of inter-national law and the maxims of justice;

Whereas the various protocols signed at Washington since February 13, 1903, and particularly the protocols of May, 7, 1903, the obligatory force of which is beyond all doubt, formed the legal basis for the arbitral award;

Whereas the tribunal has no competence at all either to contest the jurisdiction of the mixed commissions of arbitration established at Caracas, nor to judge their action;

Whereas the tribunal considers itself absolutely incompetent to give a decision as to the character or the nature of the military operations undertaken by Germany, Great Britain and Italy against Venezuela;

Whereas also the tribunal of arbitration was not called upon to decide whether the three blockading powers had exhausted all pacific methods in their dispute with Venezuela in order to prevent the employment of force;

And it can only state the fact that since 1901 the Government of Venezuela categorically refused to submit its dispute with Germany and Great Britain to arbitration which was proposed several times and especially by the note of the German Government of July 16, 1901;

Whereas after the war between Germany, Great Britain and Italy on the one hand and Venezuela on the other hand no formal treaty of peace was concluded between the belligerent powers;

Whereas the protocols signed at Washington on Feb. 13/1903, had not settled all the questions and disputes between the belligerent parties, leaving open in particular the question of the distribution of the receipts of the customs of La Guayra and Puerto Cabello;

Whereas the belligerent powers in submitting the question of preferential treatment in the matter of these receipts to the judgement of the tribunal of arbitration, agreed that the arbitral award should serve to fill up this void and to insure the definite re-establishment of peace between them;

Whereas on the other hand the war like operations of the three great European powers against Venezuela ceased before they had received satisfaction on all their claims, and on the other hand the question of preferential treatment was submitted to arbitration, the tribunal must recognize in these facts precious evidence in favor of the great principle of arbitration in all phases of international disputes;

Whereas the blockading powers in admitting the adhesion to the stipulations of the protocols of Feb. 13/1903, of the other powers which had claims against Venezuela, could evidently not have the intention of renouncing either their required rights or their actual privileged position;

Whereas the Government of Venezuela in the protocols of Feb. 13, 1903 (Article I) itself recognizes, "in principle the justice of the claims" presented to it by the Governments of Germany, Great Britain and Italy;

While in the protocol signed between Venezuela and the so called neutral or pacific powers the justice of the claims of these latter was not recognized in principle;

Whereas the Government of Venezuela until the end of January 1903, in no way protested against the pretensions of the blockading powers to insist on special securities for the settlement of their claims;

Whereas Venezuela itself during the diplomatic negotiations always made a formal distinction between "The allied powers" and "the neutral or pacific powers;"

Whereas the neutral powers, who claimed before the tribunal of arbitration equality in the distribution of the thirty per cent of the customs receipts of La Guayra and Puerto Cabello, did not protest against the intentions of the blockading powers to a preferential treatment either at the moment of cessation of the war against Venezuela or immeadiately after the signature of the protocols of Feb. 13, 1903;

Whereas it appears from the negotiation which resulted in the signature of the protocols of Feb. 13, and May 7, 1903, that the German and British Government constantly insisted on their being given guarentees for "a sufficient and punctual discharge of the obligations" (British memorandum Dec. 23, 1902)

Whereas the plenipotentiary of the Government of Venezuela accepted this reservation on the part of the allied powers without the least protest;

Whereas the government of Venezuela engaged, with respect to the allied powers alone, to offer special guarantees for the accomplishments of its engagements;

Whereas the good faith which ought to govern inter-national relations imposes the duty of stating that the words "all claims" used by the representative of the Government of Venezuela in his conferences with the representatives of the allied powers (statement left in the hands of Sir Michael Herbert by Mr. H. Bowen, of Jan. 23, 1903), could only mean the claims of these latter and could only refer to them;

Wheras the neutral powers having taken no part in the war like operations against Venezuela, could in some respects profit by the circumstances created by those operations, but without aquiring any new rights;

Whereas the rights aquired by the neutral or pacific powers with regard to Venezuela remain in the future absolutely intact and guaranteed by respective international arrangements;

Whereas in virtue of article 5 of the protocols of May 7, 1903, signed at Washington the tribunal "shall also decide subject to the general provision laid down in article LVII of the international convention of July 29, 1899, how, when and by whom the costs of this arbitration shall be paid;"

For these reasons the tribunal of arbitration decides and pronounces unanimously that:

1. Germany, Great Britain and Italy have a right to preferential treatment for the payment of their claims against Venezuela;

". Venezuela having consented to put aside 30 per cent of the revenues of the customs of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the three above named powers have a right to preference in the payment of their claims by means of these thirty per cent of the receipts of the two Venezuelan ports above mentioned;

3. Each party to the litigation shall bear its own cost and an equal share of the cost of the tribunal.

The Government of the United States of America is charged with seeing to the execution of this latter clause with in a term of three months.

Done at the Hague, in the permanent court of arbitration, 22nd February 1904.

N. Mourawieff.
H. Lammasch.
Martens.

1909.

Claims Protocol.

Signed February 13, 1909.[a]

Articles.

I. Claim of the Orinoco Steamship Company.
II. Claim of the Orinoco Corporation.
III. Claim of the United States and Venezuela Company.
IV. Submission to the Hague.
V. Award.
VI. Language to be used.
VII. Procedure.
VIII. Public records and documents.
IX. Payment in gold.
X. Arbitrators; meeting, etc.
XI. Arbitral procedure.
XII. Adjustment of claims by Venezuela

William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of the United States of Venezuela, duly authorized by General Juan Vicente Gomez, Vice-President of the United States of Venezuela, in charge of the Presidency of the Republic, having exhibited to each other and found in due form their respective powers, and animated by the spirit of sincere friendship that has always existed and should exist between the two nations they represent, having conferred during repeated and lengthy conferences concerning the manner of amicably and equitably adjusting the differences existing between their respective Governments with regard to the claims pending between them, since neither the United States of America nor the United States of Venezuela aspires to anything other than sustaining that to which in justice and equity it is entitled; and as a result of these conferences have recognized the great importance of arbitration as a means toward maintaining the good understanding which should exist and increase between their respective nations, and to the end of avoiding hereafter, so far as possible, differences between them, they believe it is from every point of view desirable that a treaty of arbitration shall be adjusted between their respective Governments.

With respect to the claims that have been the subject of their long and friendly conferences, William I. Buchanan and Doctor Francisco González Guinán have found that the opinions and views concerning them sustained by their respective Governments have been, and are, so diametrically opposed and so different that they have found it difficult to adjust them by common accord; wherefore it is necessary

[a] See protocol of Aug. 21, 1909, p. 1887; also, protocol of Sept. 9, 1909, p. 1889.

to resort to the conciliatory means of arbitration, a measure to which the two nations they represent are mutually bound by their signatures to the treaties of the Second Peace Conference at The Hague in 1907, and one which is recognized by the entire civilized world as the only satisfactory means of terminating international disputes.

Being so convinced, and firm in their resolution not to permit, for any reason whatever, the cordiality that has always existed between their respective countries to be disturbed, the said William I. Buchanan and Doctor Francisco González Guinán, thereunto fully authorized, have adjusted, agreed to and signed the present Protocol for the settlement of the said claims against the United States of Venezuela, which are as follows:

1. The claim of the United States of America on behalf of the Orinoco Steamship Company;

2. The claim of the United States of America on behalf of the Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited; and,

3. The claim of the United States of America on behalf of the United States and Venezuela Company, also known as the Crichfield claim.

ARTICLE I.

With respect to the first of these claims, that of the Orinoco Steamship Company, the United States of Venezuela has upheld the immutability of the arbitral decision of Umpire Barge, rendered in this case, alleging that said decision does not suffer from any of the causes which by universal jurisprudence give rise to its nullity, but rather that it is of an unappealable character, since the *compromis* of arbitration can not be considered as void, nor has there been an excessive exercise of jurisdiction, nor can the corruption of the judges be alleged, nor an essential error in the judgment; while on the other hand, the United States of America, citing practical cases, among them the case of the revision, with the consent of the United States of America, of the arbitral awards rendered by the American-Venezuelan Mixed Commission created by the Convention of April 25, 1866, and basing itself on the circumstances of the case, considering the principles of international law and of universal jurisprudence, has upheld not only the admissibility but the necessity of the revision of said award; in consequence of this situation, William I. Buchanan and Doctor Francisco González Guinán, in the spirit that has marked their conferences, have agreed to submit this case to the elevated criterion of the arbitral tribunal created by this Protocol, in the following form:

The arbitral tribunal shall first decide whether the decision of Umpire Barge, in this case, in view of all the circumstances and under the principles of international law, is not void, and whether it must be considered so conclusive as to preclude a reexamination of the case on its merits. If the arbitral tribunal decides that said decision must be considered final, the case will be considered by the United States of America as closed; but on the other hand, if the arbitral tribunal decides that said decision of Umpire Barge should not be considered as final, said arbitral tribunal shall then hear, examine and determine the case and render its decision on the merits.

ARTICLE II.

During the many conferences regarding the matter of the United States of America on behalf of the Orinoco Corporation and of its predecessors in interest against the United States of Venezuela, held between William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of Venezuela, they have found the views and conclusions held and maintained by their respective Governments with respect to the rights and claims of the claimant company so diametrically opposed to each other, as to make it impossible to reconcile them through the medium of direct negotiations between their Governments.

Among these they have encountered the allegation of the United States of America, on behalf of the claimant company, that by the act of the National Congress of Venezuela, and by resolutions and other acts of the Executive Power thereof, the rights and claims insisted upon and claimed by the United States of America on behalf of the claimant company, in and under the Fitzgerald concession, the origin of the present case, are firmly recognized and affirmed as subsistent and valid, and that the Government of Venezuela has insisted and insists that the decision of Umpire Barge of April 12, 1904, which Venezuela considers irrevocable, and the decision handed down by the Federal Court and of Cassation of Venezuela on March 18, 1908, furnish of and in themselves conclusive proof against the rights and the pretensions of the claimant company, since said company, even though it be accepted as the assignee of the others, has not established itself in accordance with the laws of Venezuela, and even though it had so established itself, it was beforehand subjected to Venezuelan laws and it was agreed that these should govern and decide the contentions and differences that might arise; whereas the United States of America, on behalf of the claimant company, has declined and declines in any manner to admit that said decision of Umpire Barge or that of the Federal Court and of Cassation of Venezuela could terminate or has terminated or extinguished the rights and claims asserted by the claimant company under said Fitzgerald contract, but that on the contrary the rights and claims asserted in connection therewith by the claimant company are valid and subsisting.

In view of these and other equally conflicting conclusions reached and persistently maintained by their respective Governments with regard to this case, the Representatives herein named, animated by a firm resolve to do all in their power to maintain and increase a good understanding between their Governments, and by a fixed desire to provide for the adjustment of the differences existing between them in this case, in justice and equity, can not escape the conclusion that the same cordial spirit which has prevailed in their many conferences already held counsels and points to the expediency and necessity of submitting this case to an impartial International Tribunal in order that the differences arising therefrom may be once and for all determined and concluded in a just and equitable manner. To reach this desirable end, and in accordance with the principles set out:

It is agreed between William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs

of the United States of Venezuela, duly authorized to this end by their respective Governments, that the matter of the United States of America, on behalf of the Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited, shall be submitted to the arbitral tribunal created by this Protocol.

Said arbitral tribunal shall examine and decide:

1. Whether the decision of Umpire Barge of April 12, 1904, under the principles of international law is not void and whether it preserves a conclusive character, in the case of the predecessors in interest of the claimant company against Venezuela;

2. If the arbitral tribunal decides that said decision shall be considered conclusive, it shall then decide what effect said decision had with respect to the subsistence of the Fitzgerald contract, at that date, and with respect to the rights of the claimant company or those of its predecessors in interest in said contract;

3. If it decides that the decision of said Umpire Barge shall not be considered conclusive, said arbitral tribunal shall examine on their merits and shall decide the matters submitted to said Umpire by the predecessors in interest of the claimant company;

4. The arbitral tribunal shall examine, consider and decide whether there has been manifest injustice done the claimant company or its predecessors in interest regarding the Fitzgerald contract through the decision of the Federal Court and of Cassation, rendered March 18, 1908, in the suit maintained by the Government of Venezuela against the predecessors in interest of the claimant company, or through any of the acts of any of the authorities of the Government of Venezuela.

If the arbitral tribunal decides that such injustice has been done, it is empowered to examine the matter of the claimant company and of its predecessors in interest against the Government of Venezuela on its merits, and to render a final decision with respect to the rights and the obligations of the parties, fixing such damages as in its elevated judgment it believes to be just and equitable.

In every event the arbitral tribunal shall decide:

(*a*) What effect, if any, said decision of the Federal Court and of Cassation produced and has upon everything relating to the rights of the claimant company as assignee of the Fitzgerald contract;

(*b*) Whether said Fitzgerald contract is in force; and,

(*c*) If it determines that said contract is in force, then, what are the rights and the obligations of the claimant company on the one hand, and of the Government of Venezuela on the other.

Article III.[a]

William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of the United States of Venezuela, have carefully considered in the conferences they have held, the matter of the United States of America on behalf of the United States and Venezuela Company against the United States of Venezuela, also known as the Crichfield case, and have found that while the questions involved therein differ in several aspects from those in the other claims they have considered, the same radically dif-

[a] See protocol of Aug. 21, 1909, page 1887.

ferent views held by their respective Governments in those cases exist in the case under consideration.

To the end therefore, that nothing shall be left pending that will not tend to add to the good understanding and friendship existing between the two Governments, their Representatives above-named, William I. Buchanan and Doctor Francisco González Guinán hereby agree that the matter of the United States of America on behalf of the United States and Venezuela Company against the United States of Venezuela shall be submitted to the arbitral tribunal created by this Protocol, and they further agree that said tribunal is empowered to examine, consider, hear, and determine and make its award in said case on its merits in justice and equity.

ARTICLE IV.

The United States of America and the United States of Venezuela having, at the Second Peace Conference held at The Hague in 1907, accepted and recognized the permanent court of The Hague, it is agreed that the cases mentioned in Articles I, II, and III of this Protocol, that is to say, the case of the Orinoco Steamship Company, that of the Orinoco Corporation and of its predecessors in interest and that of the United States and Venezuela Company, shall be submitted to the jurisdiction of an arbitral tribunal composed of Three Arbitrators chosen from the above-mentioned Permanent Court of The Hague.

No member of said Court who is a citizen of the United States of America or of the United States of Venezuela shall form part of said arbitral tribunal, and no member of said Court can appear as counsel for either nation before said tribunal.

This arbitral tribunal shall sit at The Hague.

ARTICLE V.

The said arbitral tribunal shall, in each case submitted to it, determine, decide and make its award, in accordance with justice and equity. Its decisions in each case shall be accepted and upheld by the United States of America and the United States of Venezuela as final and conclusive.

ARTICLE VI.

In the presentation of the cases to the arbitral tribunal both parties may use the French, English or Spanish language.

ARTICLE VII.

Within eight months from the date of this Protocol, each of the parties shall present to the other and to each of the members of the arbitral tribunal, two printed copies of its case, with the documents and evidence on which it relies, together with the testimony of its respective witnesses.

Within an additional term of four months, either of the parties may in like manner present a counter case with documents and additional evidence and depositions, in answer to the case, documents, evidence and depositions of the other party.

Within sixty days from the expiration of the time designated for the filing of the counter cases, each Government may, through its Representative, make its arguments before the arbitral tribunal, either orally or in writing, and each shall deliver to the other copies of any arguments thus made in writing, and each party shall have a right to reply in writing, provided such reply be submitted within the sixty days last named.

ARTICLE VIII.

All public records and documents under the control or at the disposal of either Government or in its possession, relating to the matters in litigation shall be accessible to the other, and, upon request, certified copies of them shall be furnished. The documents which each party produces in evidence shall be authenticated by the respective Minister for Foreign Affairs.

ARTICLE IX.

All pecuniary awards that the arbitral tribunal may make in said cases shall be in gold coin of the United States of America, or in its equivalent in Venezuelan money, and the arbitral tribunal shall fix the time of payment, after consultation with the Representatives of the two countries.

ARTICLE X.

It is agreed that within six months from the date of this Protocol, the Government of the United States of America and that of the United States of Venezuela shall communicate to each other, and to the Bureau of the Permanent Court at The Hague, the name of the Arbitrator they select from among the members of the Permanent Court of Arbitration.

Within sixty days thereafter the Arbitrators shall meet at The Hague and proceed to the choice of the Third Arbitrator in accordance with the provisions of Article 45 of The Hague Convention for the peaceful Settlement of International Disputes, referred to herein.

Within the same time each of the two Governments shall deposit with the said Bureau the sum of fifteen thousand francs on account of the expenses of the arbitration provided for herein, and from time to time thereafter they shall in like manner deposit such further sums as may be necessary to defray said expenses.

The arbitral tribunal shall meet at The Hague twelve months from the date of this Protocol to begin its deliberations and to hear the arguments submitted to it. Within sixty days after the hearings are closed its decisions shall be rendered.

ARTICLE XI.

Except as provided in this Protocol the arbitral procedure shall conform to the provisions of the Convention for the Peaceful Settlement of International Disputes, signed at The Hague on October 18, 1907, to which both parties are signatory, and especially to the provisions of Chapter III thereof.

ARTICLE XII.

It is hereby understood and agreed that nothing herein contained shall preclude the United States of Venezuela, during the period of five months from the date of this Protocol, from reaching an amicable adjustment with either or both of the claimant companies referred to in Articles II and III herein, provided that in each case wherein a settlement may be reached, the respective company shall first have obtained the consent of the Government of the United States of America.

The undersigned, William I. Buchanan and Francisco González Guinán, in the capacity which each holds, thus consider their conferences with respect to the differences between the United States of America and the United States of Venezuela as closed, and sign two copies of this Protocol of the same tenor and to one effect, in both the English and Spanish languages, at Caracas, on the thirteenth day of February one thousand nine hundred and nine.

WILLIAM I BUCHANAN [SEAL.]
F. GONZÁLEZ GUINÁN. [SEAL.]

1909.

PROTOCOL CONCERNING THE SETTLEMENT OF THE CLAIM OF THE UNITED STATES AND VENEZUELA COMPANY.

Signed at Caracas, August 21, 1909.

Protocol of settlement between the United States of America, on behalf of the United States and Venezuela Company, and the United States of Venezuela, signed at Caracas, Venezuela, August 21, 1909.

The United States of America and the United States of Venezuela, through their representatives, William W. Russell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and General Juan Pietri, Minister for Foreign Affairs of the United States of Venezuela, duly authorized by their respective Governments, have agreed upon and signed the following Protocol of Settlement:—

Whereas, under a certain Protocol between the United States of America and the United States of Venezuela for the decision and adjustment of certain claims, signed at Caracas on the 13th day of February, 1909, it was agreed that the claim of the United States and Venezuela Company against the United States of Venezuela, also known as the "Crichfield Case", should be submitted to the jurisdiction and adjudication of three arbitrators to be chosen from the Permanent Court at The Hague, created at the Second Peace Conference, held at the Hague in 1907, the Company fixing the value of said claim at one million five hundred thousand dollars ($1,500,000.00); and

Whereas, the respective Governments, animated by the spirit of sincere friendship that has always existed and should exist between the two Nations, and actuated by the firmest desire to maintain and continue the good understanding which should exist and increase between them, and to the end of avoiding all possible future differences regarding this matter, and of adjusting existing differences

concerning said claim by common accord, instead of further proceedings under the said Protocol, and in pursuance of the express provision of Article XII of said Protocol, as heretofore extended by the joint agreement of the said Governments, have now reached an amicable arrangement and adjustment of the said claim and have agreed to and do adjust the same in the manner and form hereinafter stated.

First.—The United States of America, on behalf of the United States and Venezuela Company, and on behalf of Ralph T. Rokeby, as Trustee for the mortgage bondholders of the United States and Venezuela Company, hereby releases to the United States of Venezuela forever, all the right, title, and interest of the United States and Venezuela Company, and of said Trustee for the said bondholders, in and to the following described property:—

1. The mining concession to the mine Inciarte, granted on the 18th day of June, 1900, by the Government of Venezuela to Doctor Pedro Guzmán, and thereafter and on the 5th day of February, 1901, assigned and sold from Pedro Guzmán to George W. Crichfield, and thereafter and on the 2d day of January, 1902, assigned by George W. Crichfield to the United States and Venezuela Company, together with the mine and its appurtenances, subject to the provisions stipulating the right of the said Doctor Guzmán to collect two (2) bolivars per ton on every ton of asphalt exported.

2. A certain concession bearing date the 20th day of April, 1901, between the United States of Venezuela and George W. Crichfield, as grantee, for a railroad to develop said mining property, which railroad starting from the mine Inciarte ends on the banks of the river Limón, near its confluence with the river Sucuy, said concession being thereafter assigned by George W. Crichfield to the United States and Venezuela Company, by assignment bearing date the 2d day of January, 1902, which transfer was assented to by the Venezuelan Government on the 30th day of January, 1902; together with the railroad, rolling stock, refinery, wharves and personal property and appurtenances connected therewith, as the same exist at present.

Second. In consideration of the premises, and in payment of the above-mentioned release, the United States of Venezuela covenants, promises and agrees to pay to the United States of America therefor the sum of four hundred and seventy-five thousand dollars ($475,000.00), in gold coin of the United States of America, of the present standard of weight and fineness, at the office of the Secretary of State, Washington, D. C., in the United States of America, in eight (8) equal installments at the following times, namely:—

1. The first payment of fifty-nine thousand three hundred and seventy-five dollars ($59,375.00) to be made forthwith upon the signing of this agreement.

2. The second payment of the same amount to be made one year from the date hereof, at the same place, and thereafter the third, fourth, fifth, sixth, seventh, and eighth payments to be made annually, of the same amounts, one year apart, at the same place.

Third. By virtue of the present agreement the United States of America, in the name of the United States and Venezuela Company, and of Ralph T. Rokeby, Trustee for the mortgage bondholders of said Company, declare themselves to be fully paid and satisfied for all claims of the United States and Venezuela Company against Ven-

ezuela; and the United States of Venezuela declares itself to be fully paid and satisfied for all claims of the United States of Venezuela against the United States and Venezuela Company.

In witness whereof the undersigned have hereunto set their hands and seals this twenty first day of August, one thousand nine hundred and nine.

[SEAL.] WILLIAM W. RUSSELL
[SEAL.] PIETRI

1909.

PROTOCOL AND EXCHANGE OF NOTES CONCERNING THE SETTLEMENT OF THE CLAIM OF THE ORINOCO CORPORATION.

Signed at Caracas, September 9, 1909.

PROTOCOL OF SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA, ON BEHALF OF THE ORINOCO CORPORATION AND OF ITS PREDECESSORS IN INTEREST, THE MANOA COMPANY LIMITED, THE ORINOCO COMPANY AND THE ORINOCO COMPANY LIMITED, AND THE UNITED STATES OF VENEZUELA, SIGNED AT CARACAS, VENEZUELA, SEPTEMBER 9, 1909.

The United States of America and the United States of Venezuela, through their representatives, William W. Russell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and General Juan Pietri, Minister for Foreign Affairs of the United States of Venezuela, duly authorized by their respective Governments, have agreed upon and signed the following Protocol of Settlement:—

Whereas, under a certain Protocol between the United States of America and the United States of Venezuela for the decision and adjustment of certain claims, signed at Caracas on the 13th day of February, 1909, it was agreed that the claim of The Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited, against the United States of Venezuela should be submitted to the jurisdiction of three arbitrators to be chosen from the Permanent Court at The Hague, created at the Second Peace Conference, held at The Hague in 1907, the claimant company fixing the value of said claim at one million seven hundred and fifty thousand dollars ($1,750,000.00); and

Whereas, the respective Governments, animated by the spirit of sincere friendship that has always existed and should exist between the two Nations, and actuated by the firmest desire to maintain and continue the good understanding which should exist and increase between them, and to the end of avoiding all possible future differences regarding this matter and of adjusting existing differences concerning said claim by common accord, instead of further proceedings under said Protocol, and in pursuance of the express provision of Article XII of said Protocol, as heretofore extended by the joint agreement of the said Governments, have now reached an amicable arrangement and adjustment of the said claim and have agreed to and do adjust the same in the manner and form hereinafter stated.

First. The United States of America, on behalf of The Manoa Company Limited, The Orinoco Company, The Orinoco Company Limited and The Orinoco Corporation, hereby releases to the United

States of Venezuela forever all the right, title and interest of The Manoa Company Limited, The Orinoco Company, The Orinoco Company Limited and The Orinoco Corporation, in and to the following described property:—

The concession granted by the Government of the said the United States of Venezuela unto Cyrenius C. Fitzgerald, under date of September 22, 1883, which concession was afterwards transferred and assigned by said Fitzgerald unto the said The Manoa Company Limited, and by that company to the said The Orinoco Company, and by that company to the said The Orinoco Company Limited, and by that company to the said The Orinoco Corporation, including all the rights, privileges, benefits and immunities which are, or have ever been, claimed by said Fitzgerald and said several companies, or by any, or either of them, in or to the aforesaid premises or concession, or any part or parcel thereof, or to the deposits or mines of iron, asphalt, gold or other minerals or substances of whatever description within the limits of said concession, as well as the administration, saw-mill, and other buildings, and all machinery and other personal property now on said concession belonging to said companies, or either or any of them.

And the said United States of America, on behalf of said companies, and of each and every of them, respectively, waives in favor of the said the United States of Venezuela, all and singular, the claims and demands of the said companies, and of each and every of them which they, or either, or any of them, or the said the United States of America, on their behalf, have made or might make against the said the United States of Venezuela, originating out of, or in any way connected with, or appertaining to said concession, or to the rights, privileges, benefits and immunities thereby granted or conceded or growing out of the alleged seizure and destruction of the steamer the "Perla" by the military forces of the said the United States of Venezuela, and from all and singular the other claims and demands, if any, which might be made in behalf of said companies, or any, or either of them, which they or any, or either of them, or the said the United States of America, in their behalf, have made or might make against the said the United States of Venezuela, on any account whatever.

Second. In consideration of the premises, and in compensation for the above-mentioned waiver, the United States of Venezuela covenants, promises and agrees to pay to the United States of America therefor the sum of three hundred and eighty-five thousand dollars ($385,000.00), in gold coin of the United States of America, of the present standard of weight and fineness, at the office of the Secretary of State, Washington, D. C., in the United States of America, in eight (8) equal installments at the following times, namely:—

1. The first payment of forty-eight thousand one hundred and twenty-five dollars ($48,125.00) to be made the day following that on which this Protocol is approved by the Federal Executive of the United States of Venezuela.

2. The second payment of the same amount to be made one year from the date hereof, at the same place, and thereafter the third, fourth, fifth, sixth, seventh and eighth payments to be made annually, of the same amounts, one year apart, at the same place.

Third. By virtue of the present agreement the United States of America, in the name of The Orinoco Corporation and of its pred-

ecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited, declare themselves to be fully paid and satisfied for all claims of The Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited, against Venezuela; and the United States of Venezuela declares itself to be fully paid and satisfied for all claims of the United States of Venezuela against The Orinoco Corporation and its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited.

In Witness Whereof the undersigned have hereunto set their hands and seals this ninth day of September, one thousand nine hundred and nine.

William W. Russell. [seal]

Pietri [seal]

Minister Russell to the Minister for Foreign Affairs.

September 9, 1909.

Mr. Minister:—

In connection with the Protocol of Settlement just signed between the United States of America, on behalf of The Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited, and the United States of Venezuela, I have the honor to state to Your Excellency that it is the understanding of my Government that the United States of Venezuela also agrees to adjust, satisfy and discharge the fees which may be due the defendant attorneys of The Manoa Company Limited and The Orinoco Company Limited in the suit instituted by the United States of Venezuela against The Manoa Company Limited and The Orinoco Company Limited, in the Federal Court and of Cassation, and to forever save harmless the United States of America, the said Manoa Company Limited and The Orinoco Company Limited, The Orinoco Company and The Orinoco Corporation, from any and all liability to make further compensation for such services.

The United States of America undertakes to pay of of the sum of three hundred and eighty-five thousand dollars to be received from the United States of Venezuela, in settlement of this case, a reasonable compensation, the amount thereof to be fixed by the Secretary of State of the United States of America, to the defendant attorney or attorneys in the suit brought on or about March 18, 1905, in the Federal Court and of Cassation at Caracas, by Mr. Padrón Uztariz against the said The Manoa Company Limited and the said The Orinoco Company Limited, as compensation for the professional services of said defendant attorney or said defendant attorneys in said suit.

I take this occasion to renew to Your Excellency the assurance of my highest and most distinguished consideration.

William W. Russell.

To His Excellency
General Juan Pietri,
Minister for Foreign Affairs.

The Minister for Foreign Affairs to Minister Russell.

[Translation.]

UNITED STATES OF VENEZUELA.
MINISTRY OF FOREIGN AFFAIRS.
D. P. E. No. 1416—*Caracas, September 9, 1909.*

Mr. MINISTER:—

In connection with the Protocol of Settlement just signed between the United States of Venezuela and the United States of America, on behalf of the The Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited, I have the honor to state to Your Excellency that it is understood that the United States of Venezuela also agrees to adjust, satisfy and discharge the fees which may be due the defendant attorneys of The Manoa Company Limited and The Orinoco Company Limited, in the suit instituted by the Republic against The Manoa Company Limited and The Orinoco Company Limited in the Federal Court and of Cassation, and to forever save harmless the United States of America and said Manoa Company Limited, Orinoco Company Limited, Orinoco Company and Orinoco Corporation from any and all liability to make further compensation for such services.

It is likewise understood that the United States of America undertakes to pay out of the sum of three hundred and eighty-five thousand dollars to be received from Venezuela, in settlement of this case, a reasonable compensation, the amount thereof to be fixed by the Secretary of State of the United States of America, to the defendant attorney or attorneys in the suit instituted on or about March 18, 1905, in the Federal Court and of Cassation of the Republic by Mr. Padrón Uztariz against said Manoa Company Limited and Orinoco Company Limited, as compensation for the professional services of said defendant attorney or said defendant attorneys in said suit.

I thus answer the courteous note of Your Excellency of even date herewith in regard to the foregoing.

Please accept Your Excellency, etc., etc., etc.

JUAN PIETRI.

To His Excellency
WILLIAM W. RUSSELL,
E. E. & M. P. of the U. S. A.

WÜRTTEMBERG.

(SEE GERMAN EMPIRE.)

1844.

Convention Abolishing Droit d'Aubaine and Taxes on Emigration.

Concluded April 10, 1844; ratification advised by the Senate June 12, 1844; ratified by the President June 22, 1844; ratifications exchanged October 3, 1844; proclaimed December 16, 1844.

Articles.

I. Taxes abolished.
II. Disposal of real property.
III. Disposal of personal property.
IV. Property of absent heirs.
V. Civil suits.
VI. Extent of convention.
VII. Ratification.

The United States of America and His Majesty the King of Württemberg, having resolved, for the advantage of their respective citizens and subjects, to conclude a convention for the mutual abolition of the droit d'aubaine and taxes on emigration, have named for this purpose their respective Plenipotentiaries, namely: The President of the United States of America has conferred full powers on Henry Wheaton, their Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Prussia; and His Majesty the King of Württemberg, upon Baron de Maucler, his Captain of the Staff and Chargé d'Affaires at the said court; who, after having exchanged their said full powers, found in due and proper form, have agreed to and signed the following articles:

Article I.

Every kind of droit d'aubaine, droit de retraite, and droit de détraction or tax on emigration, is hereby and shall remain abolished, between the two contracting parties, their States, citizens, and subjects respectively.

Article II.

Where, on the death of any person holding real property within the territories of one party, such real property would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such citizen or subject shall be allowed a term of two years to sell the same, which term may be reasonably pro-

longed according to circumstances, and to withdraw the proceeds thereof without molestation, and exempt from all duties of detraction.

ARTICLE III.

The citizens or subjects of each of the contracting parties shall have power to dispose of their personal property within the States of the other, by testament, donation, or otherwise, and their heirs, legatees, and donees, being citizens or subjects of the other contracting party, shall succe[e]d to their said personal property, and may take possession thereof, either by themselves, or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the inhabitants of the country where the said property lies shall be liable to pay in like cases.

ARTICLE IV.

In case of the absence of the heirs, the same care shall be taken provisionally of such real or personal property as would be taken in a like case of property belonging to the natives of the country, until the lawful owner, or the person who has a right to sell the same according to article 2, may take measures to receive or dispose of the inheritance.

ARTICLE V.

If any dispute should arise between different claimants to the same inheritance, they shall be decided, in the last resort, according to the laws, and by the judges of the country where the property is situated.

ARTICLE VI.

All the stipulations of the present convention shall be obligatory in respect to property already inherited or bequeathed, but not yet withdrawn from the country where the same is situated at the signature of this convention.

ARTICLE VII.

This convention is concluded subject to the ratification of the President of the United States of America, by and with the advice and consent of their Senate, and of His Majesty the King of Württemberg, and the ratifications thereof shall be exchanged at Berlin, within the term of twelve months from the date of the signature hereof, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, as well in English as in German, and have thereto affixed their seals.

Done in triplicata, in the city of Berlin, on the tenth day of April, one thousand eight hundred and forty-four, in the sixty-eighth year of the Independence of the United States of America, and the twenty-eighth of the reign of His Majesty the King of Württemberg.

[SEAL.] HENRY WHEATON.
[SEAL.] FREIHERR VON MAUCLER.

1853.

DECLARATION [a] OF ACCESSION TO THE CONVENTION FOR THE EXTRADITION OF CRIMINALS, FUGITIVE FROM JUSTICE, OF JUNE 16, 1852, BETWEEN THE UNITED STATES AND PRUSSIA AND OTHER STATES OF THE GERMANIC CONFEDERATION.

Dated October 13, 1853; proclaimed December 27, 1853.

Inasmuch as a convention for the reciprocal extradition of fugitive criminals in certain cases, was concluded between Prussia and other States of the Germanic Confederation on the one hand, and the United States of North America on the other, under date of June 16, 1852, at Washington, by the Plenipotentiaries of the contracting parties, and was ratified by the contracting Governments; and whereas, in the second article thereof, the United States of North America declare that they agree that the stipulations of the aforesaid convention shall be applied to any other State of the Germanic Confederation that shall subsequently declare its accession to the convention, now therefore, in pursuance thereof, the Government of His Majesty the King of Württemberg declares its accession to the aforesaid convention of June 16th, 1852, the text of which is word for word, as follows: [The original declaration here includes a copy, in German and English of the convention of June 16, 1852] and hereby gives the express assurance that each and every article and provision of this convention shall be faithfully observed and executed within the territory of the Kingdom of Württemberg.

In testimony whereof, the Royal Minister of Foreign Affairs of Württemberg has, in the name of His Majesty the King of Württemberg, executed this certificate of accession, and caused the Royal Official Seal to be thereunto affixed.

Done at Stuttgart, October the 13th, 1853.

[SEAL.] VON NEURATH,
Royal Minister of Foreign Affairs at Württemberg.

1868.

CONVENTION AS TO NATURALIZATION AND EXTRADITION.

Concluded July 27, 1868; ratification advised by the Senate April 12, 1869; ratified by the President April 18, 1869; ratifications exchanged August 17, 1869; exchange of ratifications consented to by the Senate March 2, 1870; proclaimed March 7, 1870.

ARTICLES.

I. Naturalization recognized.
II. Liability for prior offenses.
III. Extradition treaty renewed.
IV. Renunciation of naturalization.
V. Duration.
VI. Ratification.

The President of the United States of America and His Majesty the King of Württemberg, led by the wish to regulate the citizenship

[a] Translation.

of those persons who emigrate from the United States of America to Württemberg, and from Württemberg to the territory of the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a convention, that is to say: The President of the United States of America, George Bancroft, Envoy Extraordinary and Minister Plenipotentiary, and His Majesty the King of Württemberg, his Minister of the Royal House and of Foreign Affairs, Charles Baron Varnbüler, who have agreed to and signed the following articles:

ARTICLE I.

Citizens of Württemberg, who have become or shall become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by Württemberg to be American citizens, and shall be treated as such. Reciprocally, citizens of the United States of America who have become or shall become naturalized citizens of Württemberg, and shall have resided uninterruptedly within Württemberg five years, shall be held by the United States to be citizens of Württemberg, and shall be treated as such. The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II.

A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration; saving always the limitation established by the laws of his original country, or any other remission of liability to punishment.

ARTICLE III.

The convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between Württemberg and the United States the 16 June, 1852, 13 October, 1853, remains in force without change.

ARTICLE IV.

If a Württemberger, naturalized in America, renews his residence in Württemberg without the intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Württemberg renews his residence in the United States without the intent to return to Württemberg, he shall be held to have renounced his naturalization in Württemberg. The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country.

ARTICLE V.

The present convention shall go into effect immediately on the exchange of ratifications, and shall continue in force for ten years.

If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention.

ARTICLE VI.

The present convention shall be ratified by His Majesty the King of Württemberg, with the consent of the Chambers of the Kingdom, and by the President by and with the advice and consent of the Senate of the United States, and the ratifications shall be exchanged at Stuttgart as soon as possible, within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed and sealed this convention.

Stuttgart, the 27 of July, 1868.

[SEAL.] GEO. BANCROFT.
[SEAL.] FREIHERR VON VARNBÜLER.

PROTOCOL EXPLANATORY OF THE CONVENTION.

Done at Stuttgart the 27th July, 1868.

The undersigned met to-day to sign the treaty agreed upon, in conformity with their respective full powers, relating to the citizenship of those persons, who emigrate from the United States of America to Wurtemberg and from Wurtemberg to the United States of America; on which occasion the following observations, more exactly defining and explaining the contents of this treaty were entered in the following protocol.

I.—*Relating to the first article of the Treaty.*

(1) It is of course understood that not the naturalization alone, but a five years uninterrupted residence is also required, before a person can be regarded as coming within the treaty; but it is by no means requisite, that the five years residence should take place after the naturalization.

Yet it is hereby agreed, that if citizens of the one state become legally naturalized in the other state before they have resided there five years; the persons so naturalized from the moment of their naturalization, have to exercise all civil rights and are liable to all civil duties in the state into which they have been adopted.

(2) The words; "resided uninterruptedly" are obviously to be understood, not of a continual bodily presence, but in the legal sense; and therefore a transient absence, a journey or the like, by no means interrupts the period of five years contemplated by the first article.

II.—*Relating to the second article of the treaty.*

On the side of Wurtemberg, it is agreed that all former Wurtembergers, who under the first article of this treaty are to be held as American citizens may, whether they have emigrated before or after

the age of liability to military service, return to their original country, free from military duties and penalties and with a claim to the delivery of the property which may have been sequestered, with the exception of those Wurtemberg emigrants liable to military duty who have taken to flight

(1) After their enrolment in the active army and before their discharge from the same, or

(2) after they (*a*) have been called into service with the class of their age or on occasion of placing the military force on a war footing, or (*b*) have been present at a muster and been designated as a part of the contingent.

III.—*Relating to the fourth article of the treaty.*

It is agreed that the fourth article shall *not* receive the interpretation, that the naturalized citizen of the one state who returns to the other state, his original country, and there takes up his residence, does by that act alone recover his former citizenship; nor can it be assumed, that the state to which the emigrant originally belonged is bound to restore him at once to his original relation. On the contrary it is only intended to be declared; that the emigrant so returning, is authorized to acquire the citizenship of his former country, in the same manner as other aliens in conformity to the laws and regulations which are there established, yet it is left to his own free choice, whether he will adopt that course, or will preserve the citizenship of the country of his adoption. With regard to this choice, after a two years residence in his original country he is bound if so requested by the proper authorities, to make a distinct declaration, upon which these authorities can come to a decision as the case may be, with regard to his being received again into citizenship or his further residence in the manner prescribed by law.

[SEAL.] GEO. BANCROFT.
[SEAL.] FREIHERR VON VARNBÜLER.

ZANZIBAR.[a]

(SEE MUSCAT.)

1886.

Treaty as to Duties on Liquors and Consular Powers.

Concluded July 3, 1886; ratification advised by the Senate, with amendments, April 12, 1888; ratified by the President April 20, 1888; ratifications exchanged June 29, 1888; proclaimed August 17, 1888.

Articles.

I. Duty on liquors.
II. Consular powers.
III. Ratification.

The Government of the United States of America and His Highness Barghash bin Said Sultan of Zanzibar, being mutually desirous to confirm and strengthen the friendly relations which now subsist between the two countries by enlarging and defining the treaty stipulations already existing between them in virtue of the Treaty concluded on the 21st of September 1833, corresponding to the sixth day of the moon called Jamada Alawel in the year of the Allhajia 1249, between the United States of America and His Majesty Seyed Syed bin Sultan of Muscat (and Sovereign of Zanzibar), which Treaty has continued in force as to Zanzibar, and its dependencies after the separation of Zanzibar from Muscat, and has been expressly accepted, ratified and confirmed by His said Highness Barghash bin Saiid, Sultan of Zanzibar on the 20th of October 1879, corresponding to the 4th Zulkaadi, 1296, have resolved to conclude an additional treaty to that end and have appointed as their Plenipotentiaries to wit:—

The President of the United States of America, Frederic M. Cheney, Consul of the United States at Zanzibar, and His Highness the Sultan of Zanzibar his private secretary Mohamet Salim bin Mahommed Al Mavli, who having exhibited to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles.

Article I.

Notwithstanding the provisions of Article III of the treaty abovementioned, by which no more than five *per centum* duties shall be paid on the cargo landed from vessels of the United States entering any port within His Highness the Sultan's dominions, spirits and

[a] See treaties with Great Britain as to import duties in Zanzibar, page 784; as to light and harbor dues in Zanzibar, page 785; relinquishment of territorial rights in Zanzibar, page 795.

spirituous liquors containing more than 20 *per centum* by volume of alcohol, when imported into the dominions of His Highness the Sultan from abroad in vessels of the United States shall be subject to an entry or import duty not exceeding *25 per centum ad valorem*. Provided that no other or higher import duties shall be so levied and collected upon spirits carried to Zanzibar in vessels of the United States than are levied and collected upon like imports of spirits in the vessels of any other nation.

ARTICLE II.

The Consuls of the United States appointed under the stipulations of the IXth article of the Treaty abovementioned, shall in addition to the rights, powers and immunities secured by said article, enjoy all the rights, privileges, immunities and jurisdictional powers which are now or may hereafter be enjoyed by the Consuls and Consular Agents of the most favored nations and conversely, the Consuls and Consular Agents which His Highness the Sultan may appoint to reside in the United States shall have the treatment of Agents of like grade of the most favored nation.

ARTICLE III.

This treaty shall be ratified and the ratifications exchanged at Zanzibar, as soon as possible.

Done in duplicate each copy being in the English and Arabic languages, at Zanzibar the third day of July 1886, corresponding to the thirtieth day of the moon called Ramajan in the year of the Hegira, 1303.

FREDERIC M. CHENEY, [SEAL]
U. S. Consul.

MOHAMET SALIM BIN MAHOMMED ALI MAVLI. [SEAL]

INTERNATIONAL CONVENTIONS AND ACTS TO WHICH THE UNITED STATES IS A PARTY.

1901

INTERNATIONAL CONVENTIONS AND ACTS TO WHICH THE UNITED STATES IS A PARTY.

1864.[a]

Amelioration of the Condition of the Wounded in time of War.

Concluded at Geneva, Switzerland, August 22, 1864; ratifications exchanged by original signatories June 22, 1865; adhesion declared by the President March 1, 1882; accession advised by the Senate March 16, 1882; adhesion accepted by the Swiss Confederation June 9, 1882; proclaimed July 26, 1882.

(The President's ratification of the act of accession, as transmitted to Berne and exchanged for the ratifications of the other signatory and adhesory powers, embraces the French text of the convention of August 22, 1864, and the additional articles of October 20, 1868. The French text is, therefore, for all international purposes, the standard one. The text printed here is from the proclamation of the President.

The adhesion of the following States has been communicated: Sweden and Norway, December 13, 1864; Greece, January 5–17, 1865; Great Britain, February 18, 1865; Mecklenburg-Schwerin, March 9, 1865; Turkey, July 5, 1865; Württemberg, June 2, 1866; Hesse, June 22, 1866; Bavaria, June 30, 1866; Austria, July 21, 1866; Portugal, August 9, 1866; Saxony, October 25, 1866; Russia, May 10–22, 1867; Persia, December 5, 1874; Roumania, November 18–30, 1874; Salvador, December 30, 1874; Montenegro, November, 17–29, 1875; Servia, March 24, 1876; Bolivia, October 16, 1879; Chile, November 15, 1879; Argentine Republic, November 25, 1879; Peru, April 22, 1880; Bulgaria, May 27, 1884; Japan, June 11, 1886; Kongo Free State, January 25, 1889; Venezuela, August 2, 1894; Uruguay, June 20, 1900; Korea, January 8, 1903; Guatemala, April 13, 1903; China, June 29, 1904; Mexico, June 24, 1905; Colombia, June 7, 1906; Brazil, January 26, 1907. Paraguay, Cuba, Dominican Republic, and Haiti: Notice of adhesion given by the Swiss minister at Washington on July 15, 1907; the date of the respective adhesions not given. Panama, notice of adhesion given by Swiss minister at Washington August 5, 1907; Ecuador adhered August 3, 1907.)

Articles.

I. Neutrality of ambulances and hospitals.
II. Neutrality of hospital employees.
III. Extent of neutrality.
IV. Equipment.
V. Neutrality of persons caring for the wounded.
VI. Care of sick and wounded; evacuations.
VII. Flag and arm-badge.
VIII. Regulation of details of execution.
IX. Accession of other countries.
X. Ratification.

The Swiss Confederation; His Royal Highness the Grand-Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand-Duke of Hesse;

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[a] Article 31 of convention of July 6, 1906, provides:

"The present convention, when duly ratified, shall supersede the convention of August 22, 1864, in the relations between the contracting States.

"The convention of 1864 remains in force in the relations between the parties who signed it, but who may not also ratify the present convention."

His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Würtemberg, being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz:

The Swiss Confederation:

Guillaume Henri Dufour, Grand Officer of the Imperial Order of the Legion of Honor, General in Chief of the federal army, Member of the Council of the State;

Gustave Moynier, President of the International Relief Committee for wounded soldiers and of the Geneva Society of Public Utility; and

Samuel Lehmann, federal Colonel, Doctor in Chief of the federal army, Member of the National Council;

His Royal Highness the Grand Duke of Baden:

Robert Volz, Knight of the Order of the Lion of Zæhringen, M. D., Medical Councillor at the Direction of Medical Affairs; and

Adolphe Steiner, Knight of the Order of the Lion of Zæhringen, Chief Staff Physician;

His Majesty the King of the Belgians:

Auguste Visschers, Officer of the Order of Leopold, Councillor at the Council of Mines;

His Majesty the King of Denmark:

Charles Emile Fenger, Commander of the Order of Danebrog, decorated with the silver cross of the same Order; Grand Cross of the Order of Leopold of Belgium, &c., &c., His Councillor of State;

Her Majesty the Queen of Spain:

Don José Heriberto García de Quevedo, Gentleman of her Chamber on active service, Knight of the Grand Cross of Isabella-the-Catholic, Numerary Commander of the Order of Charles III, Knight of the first class of the Royal and Military Order of St. Ferdinand, Officer of the Legion of Honor of France, Her Minister-Resident to the Swiss Confederation;

His Majesty the Emperor of the French:

Georges Charles Jagerschmidt, Officer of the Imperial Order of the Legion of Honor, Officer of the Order of Leopold of Belgium, Knight of the Order of the Red Eagle of Prussia of the third class, &c., &c., Sub-Director at the Ministry of Foreign Affairs;

Henri Eugène Séguineau de Préval, Knight of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of fourth class, Knight of the Order of Saints Maurice and Lazarus of Italy, &c., &c., military Sub-Commissioner of first class, and

Martin François Boudier, Officer of the Imperial Order of the Legion of Honor, decorated with the Imperial Order of the Medjidié of the fourth class, decorated with the Medal of Military Valor of Italy, &c., &c., doctor in chief of second class;

His Royal Highness the Grand-Duke of Hesse:

Charles Auguste Brodrück, Knight of the Order of Philip the Magnanimous, of the Order of St. Michael of Bavaria, Officer of the Royal Order of the Holy Savior, &c., &c., Chief of Battalion, Staff Officer;

His Majesty the King of Italy:

Jean Capello, Knight of the Order of Saints Maurice and Lazarus, his Consul-General to Switzerland, and

Felix Baroffio, Knight of the Order of Saints Maurice and Lazarus, Doctor in Chief of medical division;

His Majesty the King of the Netherlands:

Bernard Ortuinus Theodore Henri Westenberg, Officer of His Order of the Crown of Oak, Knight of the Orders of Charles III of Spain, of the Crown of Prussia, of Adolphe of Nassau, L. D., His Secretary of Legation at Frankfort;

His Majesty the King of Portugal and of the Algarves:

José Antonio Marques, Knight of the Order of Christ, of Our Lady of the Conception of Villa Viçiosa, of Saint Benedict of Aviz, of Leopold of Belgium, etc., M. D. Surgeon of Brigade, Sub-Chief to the Department of Health at the Ministry of War;

His Majesty the King of Prussia:

Charles Albert de Kamptz, Knight of the Order of the Red Eagle of second class, &c., &c., &c., His Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation, Private Councillor of Legation;

Godefroi Frederic François Lœffler, Knight of the Order of the Red Eagle of third class, etc., etc., M. D. Physician in Chief of the fourth Army Corps;

Georges Hermann Jules Ritter, Knight of the Order of the Crown of third class, etc., etc., Private Councillor at the Ministry of War;

His Majesty the King of Würtemberg:

Christophe Ulric Hahn, Knight of the Order of Saints Maurice and Lazarus, etc., Doctor of Philosophy and Theology, Member of the Central Royal Direction for Charitable Institutions,

Who, after having exchanged their powers, and found them in good and due form, agree to the following articles:

ARTICLE I. Ambulances and Military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

ART. II. Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

ART. III. The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfill their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

ART. IV. As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals cannot, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

ART. V. Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent Powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

ART. VI. Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders-in-chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

ART. VII. A distinctive and uniform flag shall be adopted for hospitals, ambulances and evacuations. It must, on every occasion, be accompanied by the national flag. An arm-badge (brassard) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm-badge shall bear a red cross on a white ground.

ART. VIII. The details of execution of the present convention shall be regulated by the commanders-in-chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

ART. IX. The high contracting Powers have agreed to communicate the present convention to those Governments which have not found it convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open.

ART. X. The present convention shall be ratified, and the ratifications shall be exchanged at Berne in four months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed it and have affixed their seals thereto.

Done at Geneva, the twenty-second day of the month of August of the year one thousand eight hundred and sixty-four.

[L. S.] G'l G. H. DUFOUR.
[L. S.] G. MOYNIER.
[L. S.] Dr. LEHMANN.
[L. S.] Dr. ROBERT VOLZ.
[L. S.] STEINER.
[L. S.] VISSCHERS.
[L. S.] FENGER.
[L. S.] Y. HERIBERTO GARCÍA DE QUEVEDO.
[L. S.] CH. JAGERSCHMIDT.
[L. S.] S. DE PRÉVAL.
[L. S.] BOUDIER.
[L. S.] BRODRÜCK.
[L. S.] CAPELLO.
[L. S.] F. BAROFFIO.
[L. S.] WESTENBERG.
[L. S.] JOSÉ ANTONIO MARQUES.
[L. S.] DE KAMPTZ.
[L. S.] LŒFFLER.
[L. S.] RITTER.
[L. S.] Dr. HAHN.

1868.

(In the proclamation of the foregoing convention concluded October 20, 1868, the President inserted the following additional articles, the ratification of which had not been exchanged by the signatory parties. Although not in force as a treaty, they are here printed, as the Senate advised and consented to their ratification at the same time with the convention of August 22, 1864.)

The governments of North Germany, Austria, Baden, Bavaria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Sweden and Norway, Switzerland, Turkey, and Würtemberg, desiring to extend to armies on the sea the advantages of the Convention concluded at Geneva the 22d of August, 1864, for the amelioration of the condition of wounded soldiers in armies in the field, and to further particularize some of the stipulations of the said Convention, have named for their commissioners:

1. *North Germany:*

Henri de Rœder, Lieutenant-General, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Prussia and of the North Germanic Confederation to the Swiss Confederation, Knight of the Red Eagle, second class, etc., etc.

Frédéric Lœffler, Physician in Chief of the Army, Professor of Military Medicine, Knight of the Order of the Crown, second class, with crossed swords, etc., etc.

and Henry Köhler, Naval Captain, Chief of Division at the Ministry of the Navy, Knight of the Order of the Crown, third class, etc., etc.

2. *Austria:*

Dr. Jaromir, Baron Mundy, Staff Physician of first-class, Commander of the Order of His Majesty Emperor Francis Joseph of Austria, King of Hungary.

3. *Baden:*

Adolphe Steiner, Chief Staff Physician, Knight of the first class of the order of the Lion of Zæhringen, with oak-leaf.

4. *Bavaria:*

Theodore Dompierre, Chief Physician of first class, Knight of the order of St. Michael.

5. *Belgium:*

Auguste Visschers, Councillor of the Council of Mines of Belgium, Officer of the Order of Leopold.

6. *Denmark:*

John Barthélemy Gaïfre Galiffe, L. D., Consul of His Majesty the King of Denmark to the Swiss Confederation, Knight of the Order of Danebrog and of the Order of Saints Maurice and Lazarus.

7. *France:*

Auguste Coupvent des Bois, Rear-Admiral, Commander of the imperial order of the Legion of Honor, etc., etc.

and Henri Eugène Séguineau de Préval, military subcommissioner of first class, officer of the imperial order of the Legion of Honor, etc., etc.

8. *Great Britain:*

John Saville Lumley, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the Swiss Confederation.

Hastings Reginald Yelverton, Rear-Admiral in the service of Her Britannic Majesty, Companion of the Order of the Bath.

9. *Italy:*

Felix Baroffio, Physician in Chief, Knight of the Order of Saints Maurice and Lazarus, of the Order of the Crown of Italy.

Paul Cottrau, Captain of frigate, Knight of the Order of Saints Maurice and Lazarus, decorated with the silver medal of military Valor.

10. *The Netherlands:*

Jonkheer Hermann Adrien van Karnebeck, Vice-Admiral, Aide-de-camp extraordinary to His Majesty the King of the Netherlands, decorated with the civil and military orders and the crosses and medals of 1815, of 1830 of the Netherlands, and of the campaigns of Yava, Grand Cross of the military orders of Christ and of Tunis, grand officer of the order of Charles the Third of Spain, Commander of the orders of St. Anne of Russia, in diamonds, of Leopold of Belgium and of the Falcon of Saxe-Weimar, Knight of the Legion of Honor, decorated with the medal of St. Helena.

Bernard Ortuinus Theodore Henri Westenberg, L. D. Councillor of Legation of His Majesty the King of the Netherlands, Commander of the Oaken Crown, Grand Commander of the Order of St. Michael of Bavaria, Knight of the orders of Charles III of Spain, of the Crown of Prussia, of Danebrog, of Denmark, and of Adolphe of Nassau.

11. *Sweden and Norway:*

Ferdinand Nathaniel Staaf, Lieutenant Colonel, Military attaché of the Legation of Sweden and Norway in Paris, Knight of the Royal Orders of the Sword of Sweden and of Saint Olaf of Norway, officer of the imperial order of the Legion of Honor, as well of Public Instruction in France, Knight of the imperial order of the Iron Crown of Austria, etc., etc.

12. *Switzerland:*

Gullaume Henri Dufour, ex-general in chief of the federal army, Grand Cross of the Legion of Honor.

Gustave Moynier, President of the International Committee for the relief of the wounded, officer of the order of Saints Maurice and Lazarus, Knight of first class of the Order of the Lion of Zæhringen, Knight of the Orders of the Polar Star and of Our Lady of the Conception of Villa-Viscosa, etc., etc.

Samuel Lehmann, Federal Colonel, physician in chief of the federal army, member of the National Council.

13. *Turkey:*

Husny Effendi, Major, military attaché of Turkey to Paris, decorated with the imperial order of Medjidié of the fifth class.

14. *Würtemberg:*

Christophe Hahn, Doctor of philosophy and theology, member of the central direction for charitable institutions, President of the committee from Würtemburg for the wounded, Knight of the Order of Frédéric and of Saints Maurice and Lazarus; Edouard Fichte, M. D. physician in chief of the army of Würtemburg and the Order of the Crown of Prussia, of third class;

Who, having been duly authorized to that effect, agreed, under reserve of approbation from their governments, to the following dispositions:

Article I. The persons designated in Article II of the Convention shall, after the occupation by the enemy, continue to fulfill their

duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

ART. III. Under the conditions provided for in Articles I and IV of the Convention, the name "ambulance" applies to field hospitals and other temporary establishments, which follow the troops on the field of battle to receive the sick and wounded.

ART. IV. In conformity with the spirit of Article V of the Convention, and to the reservations contained in the protocol of 1864, it is explained that for the appointment of the charges relative to the quartering of troops, and of the contributions of war, account only shall be taken in an equitable manner of the charitable zeal displayed by the inhabitants.

ART. V. In addition to Article VI of the Convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country, after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

ART VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.[a]

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus picked up and saved must not serve again during the continuance of the war.

ART. VII. The religious, medical, and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

ART. VIII. The staff designated in the preceding article must continue to fulfil their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.

The stipulations of the second additional article are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

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[a] During the war with Spain, 1898, Articles VI to XV, concerning naval forces, were adopted as a modus vivendi by the United States and Spain while the hostilities lasted, and a circular declaring that fact was issued by the Secretary of State May 3, 1898. Full text of which—page 1912.

The vessels not equipped for fighting, which, during peace, the government shall have officially declared to be intended to serve as floating hospital ships, shall, however, enjoy during the war complete neutrality, both as regards stores, and also as regards their staff, provided their equipment is exclusively appropriated to the special service on which they are employed.[a]

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerents.

The belligerents retain the right to interdict neutralised vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special conventions may be entered into between commanders-in-chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

Their return to their own country is subject to the provisions of Article VI of the Convention, and of the additional Article V.

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this Convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this Convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents, without distinction of nationality.

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[a] This paragraph does not appear in the French text, and the right was reserved to omit it upon the exchange of ratifications.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

The wounded and wrecked picked up by these ships cannot be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the Convention, as regards such belligerent.

Should this presumption become a certainty, notice may be given to such belligerent that the Convention is suspended with regard to him during the whole continuance of the war.

ART. XV. The present Act shall be drawn up in a single original copy, which shall be deposited in the Archives of the Swiss Confederation.

An authentic copy of this Act shall be delivered, with an invitation to adhere to it, to each of the signatory Powers of the Convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.

VON RŒDER.
F. LŒFFLER.
KÖHLER.
DR. MUNDY.
STEINER.
DR. DOMPIERRE.
VISSCHERS.
J. B. G. GALIFFE.
D. FELICE BARROFIO.
PAOLO COTTRAU.
H. A. VAN KARNEBEEK.
WESTENBERG.
F. N. STAAFF.
G. H. DUFOUR.
G. MOYNIER.
A. COUPVENT DES BOIS.
H. DE PRÉVAL.
JOHN SAVILLE LUMLEY.
H. R. YELVERTON.
DR. S. LEHMANN.
HUSNY.
DR. C. HAHN.
DR. FICHTE.

1898.

Red Cross.

Circular and papers relating to the adoption by the United States of the additional articles of the Geneva Convention as a modus vivendi during present hostilities with Spain, Washington, May 13, 1898.

Circular.

Geneva Convention (Red Cross). Additional articles thereof as applied to naval warfare, adopted by the United States as a modus vivendi during present hostilities between the United States and Spain.

It is the desire and purpose of the United States in its conduct of war to observe the most humane and enlightened principles in the treatment of the sick, wounded, and dying. It recognizes the very great service rendered to that end by the conference of Geneva, held in the year 1864, which framed certain humane and expedient regulations for the care of the wounded and sick in the field. These were embodied in the convention of August 22, 1864, which has been ratified or adhered to by most of the civilized powers.

In 1868 a second international conference was held at Geneva, when it was proposed that the regulations contained in the original articles concerning military warfare be extended and adapted so far as practicable to war at sea. Fifteen articles, known as the "additional articles of 1868," were proposed, Articles VI to XV of which relate exclusively to marine warfare. In the subsequent discussion of them, an amendment to Article IX was proposed by France, and in correspondence between England and France, Article X was interpreted and elucidated. These "additional articles," although acceded to by the United States March 1, 1882, subject to promulgation after general exchange of ratifications, have never been formally adopted or ratified by the powers. During the Franco-Prussian war, however, they were adopted as a modus vivendi between the belligerents.

Upon the breaking out of the present hostilities between the United States and Spain, the United States at once commissioned the ambulance ship *Solace* to accompany the Atlantic fleet as a noncombatant hospital ship, to be employed solely to render aid to the sick, wounded, and dying, and to observe in spirit the additional articles of the Geneva Conference.

On the 23d day of April, 1898, this Government was addressed by the Swiss Minister at this capital proposing the formal adoption by this Government and by the Government of Spain of the additional articles, as a modus vivendi, during the present hostilities with Spain. The United States Government was readily disposed thereto, and on the 9th day of May sent to the Swiss Minister notice of its adoption of the same as a modus vivendi. It has this day been informed by the Swiss Minister of a like adoption thereof by the Government of Spain.

For the more complete understanding of the position of the United States with respect to such modus vivendi, the correspondence between the United States and the Swiss Government and between the Departments of State and Navy of this Government are printed hereinafter, and marked Exhibit A.

The additional articles, as amended in Article IX, and with memorandum as to the interpretation given to Article X, together with a translation of the full text of the French letter of interpretation of the 26th of February, 1869, are printed as Exhibit B.

WILLIAM R. DAY.

DEPARTMENT OF STATE,
May 13, 1898.

EXHIBIT A.

[No. 1.]

The Swiss Minister to the Secretary of State.

[Translation.]

SWISS LEGATION,
Washington, April 23, 1898.

Mr. SECRETARY OF STATE: War having been now unhappily declared between the United States and Spain, my Government, in its capacity as the intermediary organ between the signatory states of the convention of Geneva, has decided to propose to the cabinets of Washington and Madrid to recognize and carry into execution, as a modus vivendi, during the whole duration of hostilities, the additional articles proposed by the international conference which met at Geneva on October 20, 1868, to the convention of Geneva of August 22, 1864, which (additional articles) extend the effects of that convention to naval wars. Although it has as yet been impossible to convert the said draft of additional articles into a treaty, still, in 1870, Germany and France, at the suggestion of the Swiss Federal Council, consented to apply the additional articles, as a modus vivendi, during the whole duration of hostilities. The Federal Council proposes the additional articles as they have been amended at the request of France and construed by that power and Great Britain.

My Government, while instructing me to make this proposition to Your Excellency, recall the fact that, on March 1, 1882, the President of the United States declared that he acceded, not only to the Geneva Convention of August 22, 1864, but also to the additional articles of October 20, 1868.

The Spanish Government, likewise, in 1872, declared itself ready to adhere to these articles. The Federal Council, therefore, hopes that the two Governments will agree to adopt the measure, the object of which is to secure the application on the seas of the humane principles laid down in the Geneva Convention.

With the confident expectation of a favorable reply from the United States Government to this proposal, I avail myself, etc.,

J. B. PIODA.

[No. 2.]

The Secretary of State to the Swiss Minister.

DEPARTMENT OF STATE,
Washington, April 25, 1898.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, whereby, in view of the condition of war existing between the United States and Spain, you communicate the purpose of your Government to propose to the cabinets of Washington and Madrid that they recognize and carry into execution, as a modus vivendi, during the whole duration of hostilities, the additional articles proposed by the International Conference of Geneva, under date of October 20, 1868, for the purpose of extending to naval wars the effects of the convention of Geneva of August 22, 1864, for the succor of the wounded in armies in the field.

As you note in the communication to which I have the honor to reply, the United States, through the act of the President, did on the 1st day of March, 1882, accede to the said additional articles of October 20, 1868, at the same time that it acceded to the original convention of Geneva of August 22, 1864; but, as is recited in the President's proclamation of July 26, 1882, a copy of which I enclose herewith, the exchange of the ratifications of the aforesaid additional articles of October 20, 1868, had not then (nor has since) taken place between the contracting parties, so that the promulgation of the accession of the United States to the said additional articles was (and still remains) reserved until the exchange of the ratifications thereof between the several contracting states shall have been effected and the said additional articles shall have acquired full force and effect as an international treaty.

I find, upon examination of the published correspondence which took place in 1870 at the time of the war between France and North Germany (British and Foreign State Papers, vol, 60, pp. 945–946), that upon the initiative of the Prussian Minister at Berne, followed by the proposal made by the Government of the Swiss Confederation to the French and North German Governments, the then belligerents severally notified to the Government of Switzerland their willingness to accept provisionally and at once to establish as a modus vivendi applicable to the war then in progress, both by sea and land, all the additional articles to the convention of Geneva of October 20, 1868, together with the subsequent interpretations of the ninth and tenth articles thereof agreed upon and proposed by England and France. I understand from your note that, although those articles have not as yet become a matter of international convention, it is desired that the United States and Spain accede to the same, together with the same amendments and construction as above stated. I entertain no doubt that the United States will readily lend its support and approval to the general purpose of those articles and be in favor of adopting them as a modus vivendi; it has ever been in favor of proper regulations for the mitigation of the hardships of war. But before it can accede to them as a matter of fact, in the present instance, it must first fully understand the nature and text of the amendments and construction placed upon the articles by France and England as stated by you.

I would respectfully suggest, therefore, that there be furnished to this Government either the text or a clear exposition of the articles, with the amendments and constructions referred to, in order that the understanding may be complete. A certain pamphlet, written by Lieut. Col. Poland in 1886, is said to contain these amendments and constructions, but there is not now accessible to the Department of State a copy of such pamphlet or other reliable means of information on the subject. I shall await with pleasure fuller and exact information from you of the terms to which we are asked to accede.

Accept, etc.,

JOHN SHERMAN.

[No. 3.]

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND IN THE UNITED STATES,
Washington, D. C., May 4, 1898.

Mr. SECRETARY OF STATE: I have had the honor to receive the note which your honorable predecessor did me the favor of addressing to me under the date of the 25th of April, in reply to mine of the 23d of the same month, upon the subject of the proposition of my Government to the cabinets of Washington and Madrid to adopt as a modus vivendi, pending the entire duration of the war, the articles of the 20th of October, 1868, additional to those of the convention of Geneva of the 22d of August, 1864.

The documents which, in the aforesaid note of your predecessor, were desired and which, as I have had the opportunity of telling you verbally, my Government had sent at the same time that it instructed me by cable to make the overtures on the subject, have just arrived, and I enclose them herein in duplicate copies. They confirm the text of the additional articles, the modification of Article IX proposed by France and the notes exchanged between England and France concerning the import of Article X. The Spanish Government having, by note of its Legation of the 7th of September, 1872, also declared that it was ready to adhere to the articles in question, the Federal Council hopes that the Governments of America and Spain, appreciating the sentiments which have guided it in its course, will be of accord in adopting as a modus vivendi a measure which has for its purpose the securing of the application upon the sea of the humanitarian principles consecrated by the Geneva Convention.

Awaiting your communication to me of the decision which the Government of the United States shall see fit to take in regard to this proposition, I offer you, Mr. Secretary of State, the expression of my very highest consideration.

J. B. PIODA.

[No. 4.]

The Acting Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, May 4, 1898.

The Honorable
The SECRETARY OF THE NAVY.

SIR: I have the honor to enclose herewith copy of the below-mentioned correspondence and papers touching the proposition of the Government of Switzerland, in its capacity as the intermediary organ between the signatory states to the convention of Geneva, that the cabinets of Washington and Madrid recognize and carry into execution, as a modus vivendi, during the duration of hostilities, the additional articles proposed by the International Conference of Geneva, under date of October 20, 1868, for the purpose of extending to naval warfare the effects of the Convention of Geneva of August 22, 1864, for the succor of the wounded in armies in the field.

While these additional articles have never been promulgated by the United States, the fitting out and equipping of the *Solace*, referred to in your Department's General Order No. 487, as an ambulance ship for naval service under the terms of the Geneva Convention, is in the direction of their observance, and I submit the proposition of the Swiss Government that they may be recognized and carried into execution as a modus vivendi as deserving of your early attention.

Respectfully yours,

J. B. MOORE,
Acting Secretary.

[No. 5.]

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, May 7, 1898.

The Honorable
The SECRETARY OF STATE.

SIR: I have the honor to return herewith enclosures transmitted with your letter of May 4, 1898, referring to the additional articles proposed by the International Conference of Geneva.

Referring to the endorsement of the Surgeon-General of the Navy, a copy of which is herewith enclosed, I would recommend that steps be forthwith taken with the Government of the Swiss Confederation to make the proposed modus vivendi effective during the continuance of the present war between the United States and Spain. For its part, the Government of the United States will observe the conditions of the modus vivendi in the Department of the Navy.

I have, etc.,

JOHN D. LONG,
Secretary.

[Second endorsement.]

BUREAU OF MEDICINE AND SURGERY,
DEPARTMENT OF THE NAVY,
May 6, 1898.

SUBJECT:

State Department, 4th May, 1898, modus vivendi, ambulance ship *Solace*, General Order No. 487.

Noted, and respectfully returned to Department. As the ambulance ship *Solace* has been fitted and equipped under the terms of the Geneva Convention, it is earnestly requested that the Department recommend the recognition and carrying into execution as a modus vivendi during the duration of hostilities the additional articles referred to.

The *Solace* is the first government vessel of any nation fitted and equipped under these terms, and it is due to the United States that her status should receive international recognition.

W. K. VAN REYPEN,
Surgeon-General, U. S. N.

[No. 6.]

General Order No. 487.

NAVY DEPARTMENT,
Washington, April 27, 1898.

The *Solace* having been fitted and equipped by the Department as an ambulance ship for the naval service under the terms of the Geneva Convention is about to be assigned to service.

The Geneva Cross flag will be carried at the fore whenever the national flag is flown.

The neutrality of the vessel will, under no circumstances, be changed, nor will any changes be made in her equipment without the authority of the Secretary of the Navy.

No guns, ammunition, or articles contraband of war, except coal or stores necessary for the movement of the vessel, shall be placed on board; nor shall the vessel be used as a transport for the carrying of despatches, or officers or men not sick or disabled, other than those belonging to the medical department.

Information as to the special work for which the *Solace* is intended will be communicated to the commander in chief of the squadron by the Department.

JOHN D. LONG,
Secretary.

[No. 7.]

The Secretary of State to the Swiss Minister.

DEPARTMENT OF STATE,
Washington, May 9, 1898.

SIR: Upon receiving your note of the 4th instant, in reply to mine of the 25th of April, concerning the proposition of the Government of the Swiss Confederation that the United States and Spain adopt as a modus vivendi, pending the entire duration of the war, the ar-

ticles of October 20, 1868, additional to those of the convention of Geneva of August 22, 1864, I communicated all the papers in the case to the Secretary of the Navy, calling his attention to the form of the modus vivendi adopted during the Franco-German war, which your Government was pleased to suggest as a precedent to be followed during the existing war. The printed paper you enclose, besides giving the text of the original additional articles of October 20, 1868, contains the correspondence had in 1868 and 1869 concerning the interpretation of Articles IX and X of the said additional convention, and thus establishes the precise nature of the understanding to which France and the North German States respectively acceded.

As so expressed, the Government of the United States finds no difficulty in acceding to the suggestion of the Government of Switzerland. It had, in fact, anticipated it, so far as concerns its own conduct of hostilities and its own purpose to observe the humane dictates of modern civilization in the prosecution of warfare upon the sea as well as upon land by fitting out and equipping a special ambulance ship, the *Solace*, in conformity with the terms of the additional convention aforesaid, thus confirming emphatically its adhesion to the principles of that beneficent arrangement without regard to the absence of its formal ratification by the various signatories.

I am happy, therefore, to advise you, and through you the Government of the Swiss Confederation, that the Government of the United States will for its part, and so long as the present war between this country and Spain shall last, treat as an effective modus vivendi the fourteen additional articles of October 20, 1868, with the interpretations of the ninth and tenth articles thereof appearing in the publication you communicate to me. While it is proper to adopt this course on its own account, and without reference to such action as Spain may take, this Government would nevertheless be glad to hear that the representations made by your Government to that of Spain had met with a favorable response in order that the two parties to the present contest may stand pledged to the same humane and enlightened conduct of naval operations as respects the sick and wounded as was recognized and adopted by the respective parties to the Franco-Prussian war.

Should the Government of Spain likewise accede to the Swiss proposition, I should be much gratified to be apprised of the fact, and also that the Spanish accession contemplates acceptance of the interpretations of Articles IX and X which were adopted by France and the North German States and which are embraced in the proposition of your Government.

Accept, etc., WILLIAM R. DAY.

[No. 8.]

The Swiss Minister to the Secretary of State.

[Translation.]

SWISS LEGATION IN THE UNITED STATES,
Washington, D. C., May 9, 1898.

Mr. SECRETARY OF STATE: As I had the honor verbally to inform the Assistant Secretary of State this morning, my Government has charged me to bring to the knowledge of Your Excellency that the

Spanish Government has accepted the proposition of the Federal Council concerning the additional articles of the Geneva Convention.

I doubt not that Your Excellency will be pleased very soon to enable me to announce to the Federal Council that the Government of the Union also adheres for its part to the proposed modus vivendi, and in this expectation I offer to Your Excellency the expression of my very high consideration.

J. B. PIODA.

[No. 9.]

The Secretary of State to the Swiss Minister.

DEPARTMENT OF STATE,
Washington, May 10, 1898.

SIR: I have the honor to acknowledge the receipt of your note of May 9, formally notifying me that the Spanish Government has accepted the proposition of the Federal Council concerning the additional articles of the Geneva Convention, and expressing the hope that you would soon be enabled to inform your Government that the United States Government adheres for its part to the proposed modus vivendi.

As you were advised in the verbal interview with the Second Assistant Secretary of State, to which you refer in your note of the 9th, I have already had the pleasure of informing you, by my official note of that date that the United States Government would for its part treat as an effective modus vivendi the additional articles of 1868, with the amendments and interpretations of Articles IX and X thereof appearing in the publication communicated to me by you. I trust that that note, which apparently had not reached your hands at the time of your note to me of the same date, has now been received by you and its contents transmitted to the Federal Council.

Be pleased to accept, etc.,

WILLIAM R. DAY.

EXHIBIT B.

[No. 10.]

Additional Articles of October 20, 1868, VI to XV.

ARTICLES CONCERNING THE MARINE.

ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which, having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.

The appreciation of these circumstances is entrusted to the humanity of all the combatants. The wrecked and wounded thus

picked up and saved must not serve again during the continuance of the war.

ART. VII. The religious, medical, and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

ART. VIII. The staff designated in the preceding article must continue to fulfill their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.[a]

The stipulations of the second additional article[b] are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

[The vessels not equipped for fighting, which, during peace, the Government shall have officially declared to be intended to serve as floating hospital ships, shall, however, enjoy during the war complete neutrality, both as regards stores, and also as regards their staff, provided their equipment is exclusively appropriated to the special service on which they are employed.]

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser, renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.

The belligerants retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special conventions may be entered into between commanders in chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

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[a] ARTICLE I. The persons designated in Article II of the convention shall, after the occupation by the enemy, continue to fulfill their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

[b] ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized persons, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

Their return to their own country is subject to the provisions of Article VI of the convention and of the additional Article V.[a]

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents, without distinction of nationality.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

The wounded and wrecked picked up by these ships can not be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view than the interest of the sick and wounded, gives to the other belligerent, until proof to the contrary, the right of suspending the convention as regards such belligerent.

Should this presumption become a certainty, notice may be given to such belligerent that the convention is suspended with regard to him during the whole continuance of the war.

ART. XV. The present act shall be drawn up in a single original copy, which shall be deposited in the archives of the Swiss Confederation.

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[a] ART. V. In addition to Article VI of the convention, it is stipulated that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

An authentic copy of this act shall be delivered, with an invitation to adhere to it, to each of the signatory powers of the convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

[Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.]

[No. 11.]

Note.

(*a*) The amendment proposed by France is contained in brackets after Article IX.

(*b*) The interpretation placed upon Article X by England and France is to the following effect:

The question being raised as to whether, under Article X, a vessel might not avail herself of the carrying of sick or wounded to engage with impunity in traffic otherwise hazardous under the rules of war, it was agreed that there was no purpose in the articles to modify in any particular the generally admitted principles concerning the rights of belligerents; that the performance of such services of humanity could not be used as a cover either for contraband of war or for enemy merchandise; and that every boat which or whose cargo would, under ordinary circumstances, be subject to confiscation can not be relieved therefrom by the sole fact of carrying sick and wounded.

Question being raised as to whether, under Article X, an absolute right was afforded to a blockaded party to freely remove its sick and wounded from a blockaded town, it was agreed that such removal or evacuation of sick and wounded was entirely subject to the consent of the blockading party. It should be permitted for humanity's sake where the superior exigencies of war may not intervene to prevent, but the besieging party might refuse permission entirely.

The full text of the French interpretation of Article X is subjoined.

[No. 12.]

[Translation.]

Note touching the interpretation of Article X additional to the convention of Geneva.

The second paragraph of the additional Article X reads thus: "If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent."

The words "of a nature to be confiscated by the belligerent" apply equally to the nationality of the merchandise and to its quality.

Thus, according to the latest international conventions, the merchandise of a nature to be confiscated by a cruiser are:

First. Contraband of war under whatever flag.

Second. Enemy merchandise under enemy flag.

The cruiser need not recognize the neutrality of the vessel carrying wounded if any part of its cargo shall, under international law, be comprised in either of these two categories of goods.

The faculty given by the paragraph in question to leave on board of vessels carrying wounded a portion of the cargo is to be considered as a facility for the carriage of freight, as well as a valuable privilege in favor of the navigability of merchant vessels if they be bad sailors when only in ballast; but this faculty can in no wise prejudice the right of confiscation of the cargo within the limits fixed by international law.

Every ship the cargo of which would be subject to confiscation by the cruiser under ordinary circumstances is not susceptible of being covered by neutrality by the sole fact of carrying in addition sick or wounded men. The ship and the cargo would then come under the common law of war, which has not been modified by the convention except in favor of the vessel exclusively laden with wounded men, or the cargo of which would not be subject to confiscation in any case. Thus, for example, the merchant ship of a belligerent laden with neutral merchandise and at the same time carrying sick and wounded is covered by neutrality.

The merchant ship of a belligerent carrying, besides wounded and sick men, goods of the enemy of the cruiser's nation or contraband of war is not neutral, and the ship, as well as the cargo, comes under the common law of war.

A neutral ship carrying, in addition to wounded and sick men of the belligerent, contraband of war also is subject to the common law of war.

A neutral ship carrying goods of any nationality, but not contraband of war, lends its own neutrality to the wounded and sick which it may carry.

In so far as concerns the usage which expressly prohibits a cartel ship from engaging in any commerce whatsoever at the point of arrival, it is deemed that there is no occasion to specially subject to that inhibition vessels carrying wounded men, because the second paragraph of Article X imposes upon the belligerents, equally as upon neutrals, the exclusion of the transportation of merchandise subject to confiscation.

Moreover, if one of the belligerents should abuse the privilege which is accorded to him, and under the pretext of transporting the wounded should neutralize under its flag an important commercial intercourse which might in a notorious manner influence the chances or the duration of the war, Article XIV of the convention could justly be invoked by the other belligerent.

As for the second point of the note of the British Government, relative to the privilege of effectively removing from a city, besieged and blockaded by sea, under the cover of neutrality, vessels bearing wounded and sick men, in such a way as to prolong the resistance of the besieged, the convention does not authorize this privilege. In according the benefits of a neutral status of a specifically limited neutrality to vessels carrying wounded, the convention could not give

them rights superior to those of other neutrals who can not pass an effective blockade without special authorization. Humanity, however, in such a case, does not lose all its rights, and, if circumstances permit the besieging party to relax the rigorous rights of the blockade, the besieged party may make propositions to that end in virtue of the fourth paragraph of Article X.

1875.

International Bureau of Weights and Measures.

Concluded at Paris May 20, 1875; ratification advised by the Senate May 15, 1878; ratified by the President May 28, 1878; ratifications exchanged August 2, 1878; proclaimed September 27, 1878.

(The treaty submitted to the Senate and attached to the proclamation is in the French language. The text here printed is from a translation made in the Department of State.)

Articles.

I. International Bureau of Weights and Measures established.
II. Special building.
III. International committee.
IV. General conferences.
V. Regulations.
VI. Duties of the bureau.
VII. Bureau officials.
VIII. Prototypes of meter and kilogram.
IX. Expenses.
X. Contributions.
XI. Contributions from acceding countries.
XII. Future modifications.
XIII. Duration.
XIV. Ratification.

[Translation.]

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, His Majesty the Emperor of Austria-Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Argentine Confederation, His Majesty the King of Denmark, His Majesty the King of Spain, His Excellency the President of the French Republic, His Majesty the King of Italy, His Excellency the President of the Republic of Peru, His Majesty the King of Portugal and the Algarves, His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway, His Excellency the President of the Swiss Confederation, His Majesty the Emperor of the Ottomans, and His Excellency the President of the Republic of Venezuela, desiring international uniformity and precision in standards of weight and measure, have resolved to conclude a convention to this effect, and have named as their plenipotentiaries the following:

His Excellency the President of the United States of America: Mr. Elihu Benjamin Washburne, Envoy Extraordinary and Minister Plenipotentiary of the United States at Paris;

His Majesty the Emperor of Germany: His Highness Prince Hohenlohe-Schillingsfürst, Grand Cross of the Order of the Red Eagle of Prussia, and of the Order of St. Hubert of Bavaria, &c.,

&c., &c., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the Emperor of Austria-Hungary: His Excellency Count Apponyi, his Actual Chamberlain and Privy Counselor, Knight of the Golden Fleece, Grand Cross of the Royal Order of St. Stephen of Hungary, and of the Imperial Order of Leopold, &c., &c., &c., his Ambassador Extraordinary and Plenipotentiary at Paris;

His Majesty the King of the Belgians: Baron Beyens, Grand Officer of his Order of Leopold, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of Brazil: Mr. Marcus Antonio d'Araujo, Viscount d'Itajuba, Grandee of the Empire, member of His Majesty's Council, Commander of his Order of Christ, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Argentine Confederation: Mr. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Confederation at Paris;

His Majesty the King of Denmark: Count de Moltke-Hvitfeldt, Grand Cross of the Order of Dannebrog, and decorated with the Cross of Honor of the same order, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Spain: His Excellency Don Mariano Roca de Togores, Marquis de Molins, Viscount de Rocamora, Grandee of Spain of the First Class, Knight of the Renowned Order of the Golden Fleece, Grand Cross of the Legion of Honor, &c., &c., &c., Director of the Royal Spanish Academy, his Ambassador Extraordinary and Plenipotentiary at Paris; and General Ibañez, Grand Cross of the Order of Isabella the Catholic, &c., &c., Director General of the Geographical and Statistical Institute of Spain, Member of the Academy of Sciences;

His Excellency the President of the French Republic: The Duke Decazes, deputy to the National Assembly, Commander of the Order of the Legion of Honor, &c., &c., &c., Minister of Foreign Affairs; the Viscount de Meaux, deputy to the National Assembly, Minister of Agriculture and of Commerce; and Mr. Dumas, Perpetual Secretary to the Academy of Sciences, Grand Cross of the Order of the Legion of Honor;

His Majesty the King of Italy: The Chevalier Constantino Nigra, Knight of the Grand Cross of his Orders of St. Maurice and St. Lazarus, and of the Crown of Italy, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the republic of Peru: Mr. Pedro Galvez, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris; and Mr. Francisco de Rivero, formerly Envoy Extraordinary and Minister Plenipotentiary of Peru;

His Majesty the King of Portugal and of the Algarves: Mr. José da Silva Mendes Leal, Peer of the Realm, Grand Cross of the Order of Saint James, Knight of the Order of the Tower, and Sword of

Portugal, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of all the Russias: Mr. Gregory Okouneff, Knight of the Russian Orders of St. Anne of the first class, of St. Stanislaus of the first class, of St. Valdimir of the third class, Commander of the Legion of Honor, Actual Counselor of State, Counselor of the Embassy of Russia at Pairs;

His Majesty the King of Sweden and Norway: Baron Adelswärd, Grand Cross of the Order of the Polar Star of Sweden, and of St. Olaf of Norway, Grand Officer of the Legion of Honor, &c., &c., &c., his Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Excellency the President of the Swiss Confederation: Mr. Jean Conrad Kern, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation at Paris;

His Majesty the Emperor of the Ottomans: Husny Bey, Lieutenant-Colonel of Staff, wearer of a fourth-class decoration of the Imperial Order of Osmania, of a fifth-class decoration of the Order of Medjidie, Officer of the Legion of Honor, &c., &c., &c.;

His Excellency the President of the Republic of Venezuela: Doctor Eliseo Acosta,

Who, after having exhibited their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties engage to establish and maintain, at their common expense, a scientific and permanent international bureau of weights and measures, the location of which shall be at Paris.

ARTICLE 2.

The French Government shall take all the necessary measures to facilitate the purchase, or, if expedient, the construction, of a building which shall be especially devoted to this purpose, subject to the conditions stated in the regulations which are subjoined to this convention.

ARTICLE 3.

The operation of the international bureau shall be under the exclusive direction and supervision of an international committee of weights and measures, which latter shall be under the control of a general conference for weights and measures, to be composed of the delegates of all the contracting governments.

ARTICLE 4.

The general conference for weights and measures shall be presided over by the president for the time being of the Paris Academy of Sciences.

ARTICLE 5.

The organization of the bureau, as well as the formation and the powers of the international committee, and of the general conference for weights and measures, are established by the regulations subjoined to this convention.

ARTICLE 6.

The international bureau of weights and measures shall be charged with the following duties:

1st. All comparisons and verifications of the new prototypes of the meter and kilogram.

2d. The custody of the international prototypes.

3d. The periodical comparison of the national standards with the international prototypes and with their test copies, as well as comparisons of the standard thermometers.

4th. The comparison of the prototypes with the fundamental standards of non-metrical weights and measures used in different countries for scientific purposes.

5th. The sealing and comparison of geodesic measuring-bars.

6th. The comparison of standards and scales of precision, the verification of which may be requested by governments or by scientific societies, or even by constructors or men of science.

ARTICLE 7.

The persons composing the bureau shall be a director, two assistants, and the necessary number of employés. When the comparisons of the new prototypes shall have been finished, and when these prototypes shall have been distributed among the different states, the number of persons composing the bureau shall be reduced so far as may be deemed expedient.

The governments of the high contracting parties will be informed by the international committee of the appointment of the persons composing this bureau.

ARTICLE 8.

The international prototypes of the meter and of the kilogram, together with the test copies of the same, shall be deposited in the bureau, and access to them shall be allowed to the international committee only.

ARTICLE 9.

The entire expense of the construction and outfit of the international bureau of weights and measures, together with the annual cost of its maintenance and the expenses of the committee, shall be defrayed by contributions from the contracting states, the amount of which shall be computed in proportion to the actual population of each.

ARTICLE 10.

The amounts representing the contributions of each of the contracting states shall be paid at the beginning of each year, through the ministry of foreign affairs of France, into the *Caisse de dépôts et consignations* at Paris, whence they may be drawn as occasion may require, upon the order of the director of the bureau.

ARTICLE 11.

Those governments which may take advantage of the privilege, open to every state, of acceding to this convention, shall be required

to pay a contribution, the amount of which shall be fixed by the committee on the basis established in article 9, and which shall be devoted to the improvement of the scientific apparatus of the bureau.

ARTICLE 12.

The high contracting parties reserve to themselves the power of introducing into the present convention, by common consent, any modifications the propriety of which may have been shown by experience.

ARTICLE 13.

At the expiration of twelve years this convention may be abrogated by any one of the high contracting parties, so far as it is concerned.

Any government which may avail itself of the right of terminating this convention, so far as it is concerned, shall be required to give notice of its intentions one year in advance, and by so doing shall renounce all rights of joint ownership in the international prototypes and in the bureau.

ARTICLE 14.

This Convention shall be ratified according to the constitutional laws of each state, and the ratifications shall be exchanged in Paris within six months, or sooner, if possible.

It shall take effect on the first day of January, 1876.

In testimony whereof the respective plenipotentiaries have attached their signatures and have hereunto affixed their seals of arms.

Done at Paris, May 20, 1875.

[SEAL.]	E. B. WASHBURNE.
[SEAL.]	HOHENLOHE.
[SEAL.]	APPONYI.
[SEAL.]	BEYENS.
[SEAL.]	VISCOUNT D'ITAJUBA.
[SEAL.]	M. BALCARCE.
[SEAL.]	MOLTKE-HVITFELDT.
[SEAL.]	MARQUIS DE MOLINS.
[SEAL.]	CÁRLOS IBAÑEZ.
[SEAL.]	DECAZES.
[SEAL.]	C. DE MEAUX.
[SEAL.]	N. DUMAS.
[SEAL.]	NIGRA.
[SEAL.]	P. GALVEZ.
[SEAL.]	FRAN'CO DE RIVERO.
[SEAL.]	JOSÉ DA SILVA MENDES LEAL.
[SEAL.]	OKOUNEFF.
	For M. le BARON ADELSWÄRD (prevented).
[SEAL.]	H. ÅKERMAN.
[SEAL.]	KERN.
[SEAL.]	HUSNY.
[SEAL.]	E. ACOSTA.

Appendix No. 1.

REGULATIONS.

Article 1.

The international bureau of weights and measures shall be established in a special building, possessing all the necessary safeguards of stillness and stability.

It shall comprise, in addition to the vault, which shall be devoted to the safe-keeping of the prototypes, rooms for mounting the comparators and balances; a laboratory, a library, a room for the archives, work-rooms for the employés, and lodgings for the watchmen and attendants.

Article 2.

It shall be the duty of the international committee to acquire and fit up the aforesaid building and to set in operation the work for which it was designed.

In case of the committee's inability to obtain a suitable building, one shall be built under its directions and in accordance with its plans.

Article 3.

The French Government shall, at the request of the international committee, take the necessary measures to cause the bureau to be recognized as an establishment of public utility.

Article 4.

The international committee shall cause the necessary instruments to be constructed, such as comparators for the standards of line and end measures, apparatus for the determination of absolute dilatations, balances for weighing in air and in vacuo, comparators for geodetic measuring-bars, &c.

Article 5.

The entire expense incurred in the purchase or construction of the building, and in the purchase and placing of the instruments and apparatus, shall not exceed 400,000 francs.

Article 6.

The estimate of annual expenditures is as follows:

A. For the first period—during the construction and comparison of the new prototypes—

(*a*) Salary of the director	15,000 fr.
" of two adjuncts, at 6,000 fr. each	12,000
" of four assistants, at 3,000 fr. each	12,000
Pay of door-keeper, (mechanic)	3,000
Wages of two office-boys, at 1,500 fr. each	3,000
Total for salaries	45,000
(*b*) Compensation to men of science and artists who, by direction of the committee, may be employed to perform special duties, keeping of the building in proper order, purchase and repair of apparatus, fuel, light, and office-expenses	24,000
(*c*) Compensation of the secretary of the international committee of weights and measures	6,000
Total	75,000

The annual budget of the bureau may be modified by the international committee as necessity may require at the suggestion of the director, but it shall in no case exceed the sum of 100,000 francs.

The contracting governments shall be notified of any modifications that the committee may think proper to make within these limits, in the annual budget fixed by the present regulations.

The committee may authorize the director, at his request, to make transfers from one subdivision of the allotted budget to another.

B. For the period subsequent to the distribution of the prototypes:

(*a*)	Salary of the director	15,000 fr.
	" one adjunct	6,000
	Pay of a door-keeper, (mechanic)	3,000
	Wages of an office-boy	1,500
		25,500
(*b*)	Office-expenses	18,500
(*c*)	Compensation of secretary, international committee	6,000
	Total	50,000

ARTICLE 7.

The general conference mentioned in article 3 of this convention shall be at Paris, upon the summons of the international committee, at least once every six years.

It shall be its duty to discuss and initiate measures necessary for the dissemination and improvement of the metrical system, and to pass upon such new fundamental metrological determinations as may have been made during the time when it was not in session. It shall receive the report of the international committee concerning the work that has been accomplished, and shall replace one-half of the international committee by secret ballot.

The voting in the general conference shall be by states; each state shall be entitled to one vote.

Each of the members of the international committee shall be entitled to a seat at the meetings of the conference. They may at the same time be delegates of their governments.

ARTICLE 8.

The international committee mentioned in article 3 of the convention shall be composed of fourteen members, who shall belong to different states.

It shall consist, at first, of the twelve members of the former permanent committee of the international commission of 1872, and of the two delegates who, at the time of the appointment of that permanent committee, received the largest number of votes next to the members who were elected.

At the time of the renewal of one-half of the international committee, the retiring members shall be, first, those who, in cases of vacancy, may have been elected provisionally during the interval occurring between two sessions of the conference. The others shall be designated by lot.

The retiring members shall be re-eligible.

ARTICLE 9.

The international committee shall direct the work connected with the verification of the new prototypes, and, in general, all the metrological labors, as the high contracting parties may decide to have performed at the common expense. It shall, moreover, exercise supervision over the safe-keeping of the international prototype.

ARTICLE 10.

The international committee shall choose its chairman and secretary by secret ballot. The governments of the high contracting parties shall be notified of the result of such elections.

The chairman and secretary of the committee, and the director of the bureau, must belong to different countries.

After having been formed, the committee shall hold no new elections and make no new appointments until three months after notice thereof shall have been given to all the members by the bureau of the committee.

ARTICLE 11.

Until the new prototypes shall have been finished and distributed, the committee shall meet at least once a year. After that time its meetings shall be held at least biennially.

ARTICLE 12.

Questions upon which a vote is taken in the committee shall be decided by a majority of the votes cast. In case of a tie, the vote of the chairman shall decide. No resolution shall be considered to have been duly adopted unless the number of members present be at least equal to a majority of the members composing the committee.

This condition being fulfilled, absent members shall have the right to authorize members who are present to vote for them, and the members thus authorized shall furnish proper evidence of their authorization. The same shall be the case in elections by secret ballot.

ARTICLE 13.

During the interval occurring between two sessions, the committee shall have the right to discuss questions by correspondence.

In such cases, in order that its resolutions may be considered to have been adopted in due form, it shall be necessary for all the members of the committee to have been called upon to express their opinions.

ARTICLE 14.

The international committee for weights and measures shall provisionally fill such vacancies as may occur in it; these elections shall take place by correspondence, each of the members being called upon to take part therein.

ARTICLE 15.

The international committee shall prepare detailed regulations for the organization and the labors of the bureau, and shall fix the

amounts to be paid for the performance of the extraordinary duties provided for in article 6 of this convention.

Such amounts shall be applied to the improvement of the scientific apparatus of the bureau.

ARTICLE 16.

All communications from the international committee to the governments of the high contracting parties shall take place through the diplomatic representatives of such countries at Paris.

For all matters requiring the attention of the French authorities, the committees shall have recourse to the ministry of foreign affairs of France.

ARTICLE 17.

The director of the bureau and the adjuncts shall be chosen by the international committee by secret ballot.

The employés shall be appointed by the director.

The director shall have a right to take part in the deliberations of the committee.

ARTICLE 18.

The director of the bureau shall have access to the place of deposit of the international prototypes of the meter and the kilogram only in pursuance of a resolution of the committee and in the presence of two of its members.

The place of deposit of the prototypes shall be opened only by means of three keys, one of which shall be in possession of the director of the archives of France, the second in that of the chairman of the committee, and the third in that of the director of the bureau.

The standards of the class of national prototypes alone shall be used for the ordinary comparing work of the bureau.

ARTICLE 19.

The director of the bureau shall annually furnish to the committee: 1st. A financial report concerning the accounts of the preceding year, which shall be examined, and, if found correct, a certificate to that effect shall be given him; 2d. A report on the condition of the apparatus; 3d. A general report concerning the work accomplished during the course of the year just closed.

The international committee shall make to each of the governments of the high contracting parties an annual report concerning all its scientific, technical, and administrative operations, and concerning those of the bureau. The chairman of the committee shall make a report to the general conference concerning the work that has been accomplished since its last session.

The reports and publications of the committee shall be in the French language. They shall be printed and furnished to the governments of the high contracting parties.

ARTICLE 20.

The contributions referred to in article 9 of the convention shall be paid according to the following scale:

The number representing the population, expressed in millions, shall be multiplied by the coefficient three for states in which the use of the metrical system is obligatory;

by the coefficient two for those in which it is optional;
by the coefficient one for other states.

The sum of the products thus obtained will furnish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

ARTICLE 21.

The expense of constructing the international prototypes, and the standards and test copies which are to accompany them, shall be defrayed by the high contracting parties in accordance with the scale fixed in the foregoing article.

The amounts to be paid for the comparison and verification of standards required by states not represented at this convention shall be regulated by the committee in conformity with the rates fixed in virtue of article 15 of the regulations.

ARTICLE 22.

These regulations shall have the same force and value as the convention to which they are annexed.

(Signed) E. B. WASHBURNE.
HOHENLOHE.
APPONYI.
BEYENS.
VISCOUNT D'ITAJUBA.
M. BALCARCE.
MOLTKE-HVITFELDT.
MARQUIS DE MOLINS.
CÁRLOS IBAÑEZ.
DECAZES.
C. DE MEAUX.
DUMAS.
NIGRA.
P. GALVEZ.
FRAN'CO DE RIVERO.
JOSÉ DA SILVA MENDES LEAL.
OKOUNEFF.
For M. le BARON ADELSWÄRD, (prevented).
H. ÅKERMAN.
KERN.
HUSNY.
E. ACOSTA.

Appendix No. 2.

TRANSIENT PROVISIONS.

Article 1.

All states which were represented at the international meter commission which met at Paris, in 1872, whether they are contracting parties to the present convention or not, shall receive the prototypes that they may have ordered, which shall be delivered to them in the condition guaranteed by the said international commission.

Article 2.

The principal object of the first meeting of the general conference of weights and measures shall be to sanction these new prototypes, and to distribute them among the states which shall have expressed a desire to receive them.

In consequence, the delegates of all the governments which were represented in the international commission of 1872, as likewise the members of the French section, shall, of right, form part of this first meeting for the sanction of the prototypes.

Article 3.

It shall be the duty of the international committee mentioned in Article 3 of the convention, and composed as provided in Article 8 of the regulations, to receive and compare the new prototypes one with the other, in accordance with the scientific decisions of the international commission of 1872, and of its permanent committee. Such modifications may, however, be made as may in future be suggested by experience.

Article 4.

The French section of the international commission of 1872 shall continue to have charge of the labors intrusted to it in the construction of the new prototypes, with the co-operation of the international committee.

Article 5.

The cost of manufacturing the metrical standards prepared by the French section shall be reimbursed by the governments interested, according to the cost-price per unit which shall be fixed by the said section.

Article 6.

The immediate formation of the international committee is authorized, and that body, when formed, is hereby empowered to make all necessary preparatory examinations for the carrying into effect of

the convention, without, however, incurring any expense before the exchange of the ratifications of the said convention.

E. B. WASHBURNE.
HOHENLOHE.
APPONYI.
BEYENS.
VISCOUNT D'ITAJUBA.
M. BALCARCE.
MOLTKE-HVITFELDT.
MARQUIS DE MOLINS.
CÁRLOS IBAÑEZ.
DECAZES.
C. DE MEAUX.
DUMAS.
NIGRA.
P. GALVEZ.
FRAN'CO DE RIVERO.
JOSÉ DA SILVA MENDES LEAL.
OKOUNEFF.
For M. le BARON ADELSWÄRD (prevented).
H. ÅKERMAN.
KERN.
HUSNY.
E. ACOSTA.

1883.[a] [b]

CONVENTION FOR INTERNATIONAL PROTECTION OF INDUSTRIAL PROPERTY.

Concluded at Paris March 20, 1883; adhesion advised by the Senate March 2, 1887; ratified by the President March 29, 1887; accession announced to Swiss Confederation May 30, 1887; proclaimed June 11, 1887.

(The text is reprinted from the proclamation of the President, the original Convention being in the French language.)

ARTICLES.

I. Union for protection of industrial property formed.
II. Mutual protection of patents, trade-marks, and commercial names.
III. Protection of alien residents.
IV. Protection to applicants.
V. Introduction by patentee of articles patented in other countries.
VI. Deposit of trade-marks.
VII. Articles protected.
VIII. Commercial names protected.
IX. Seizure of unlawfully marked goods.
X. Articles with false place of origin.
XI. Temporary protection to articles at expositions.
XII. Central depot of information.
XIII. International bureau established.
XIV. International conferences.
XV. Special diplomatic conventions.
XVI. Adhesion of other States.
XVII. Laws to be enacted.
XVIII. Duration.
XIX. Ratification.
Protocol.

[a] Adhered to by Great Britain, Tunis, Ecuador, the Dutch East India Colonies, Dominican Republic, Curaçao, Surinam, New Zealand, Queensland, Germany, and Mexico. Cuba adhered from January 1, 1905; Ceylon, from June 10, 1905; Australia, from August 5, 1907; Trinidad and Tobago, from May 14, 1908; Austria, Hungary, and ipso jure, Bosnia and Herzegovina, from January 1, 1909.

[b] French Republic *v.* Saratoga Vichey Co. (191 U. S., 427), United Shoe Machinery Co. *v.* Duplessis Machinery Co. (155 Fed. Rep., 842).

[Translation.]

His Majesty the King of the Belgians; His Majesty the Emperor of Brazil; His Majesty the King of Spain; The President of the French Republic; The President of the Republic of Guatemala; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and the Algarves; the President of the Republic of Salvador; His Majesty the King of Servia; the Federal Council of the Swiss Confederation;

Equally animated by the desire to assure, by common accord, a complete and efficacious protection to the industry and commerce of the subjects of their respective states and to contribute to the safeguard of the rights of inventors, and to the loyalty of commercial transactions, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries the following:

His Majesty the King of the Belgians: Baron Beyens, Grand Officer of His Royal Order of Léopold, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the Emperor of Brazil: Mr. Jules Constant, Count de Villeneuve, Member of the Council of His Majesty, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, Commander of the Order of Christ, Officer of His Order of the Rose, Knight of the Legion of Honor, etc.;

His Majesty the King of Spain: His Excellency the Duke de Fernan Nuñez, de Montellano, and Del Arco, Count de Cervellon, Marquis of Almonacir, Grandee of Spain of the 1st Class, Knight of the distinguished Order of the Golden Fleece, Grand Cross of the Order of Charles III, Knight of Calatrava, Grand Cross of the Legion of Honor, etc., Senator of the Kingdom, His Ambassador Extraordinary and Plenipotentiary at Paris; [a]

The President of the French Republic: Mr. Paul Challemel Lacour, Senator, Minister of Foreign Affairs; Mr. Hérisson, Deputy, Minister of Commerce; Mr. Charles Jagerschmidt, Minister Plenipotentiary of 1st Class, Officer of the National Order of the Legion of Honor; [b]

The President of the Republic of Guatemala: Mr. Crisanto Medina, Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Italy: Mr. Constantin Ressman, Commander of his orders at St. Maurice and St. Lazarus, and of the Crown of Italy, Commander of the Legion of Honor, etc., Counsellor of the Embassy of Italy at Paris;

His Majesty the King of the Netherlands: Baron de Zuylen de Nyevelt, Commander of His Order of the Lion of the Netherlands, Grand Cross of His Grand Ducal Order of the Oaken Crown and of

[a] Including Cuba, Porto Rico, and the Philippines.

[b] Including Martinique, Guadeloupe and dependencies, Reunion and dependency (Saint Mary of Madagascar), Cochin-China, St. Pierre, Miquelon, Guiana, Senegal and dependencies (Rivières du Sud, Grand Bassam, Assimie, Porto Novo and Kotonou), the Congo and of the Gaboon, Mayotte, Nossi-Bé, the French Establishments in India (Pondicherry, Chandernagore, Karikal, Mahé, Yanaon), New Caledonia, the French Establishments in Oceanica (Tahiti and dependencies), Obock and Diégo-Suarez.

the Golden Lion of Nassau, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Portugal and the Algarves: Mr. José da Silva Mendes Leal, Counsellor of State, Peer of the Kingdom, Minister and Honorary Secretary of State, Grand Cross of the Order of St. James, Knight of the Order of the Tower and of the Sword of Portugal, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Fernand de Azevedo, Officer of the Legion of Honor, etc., First Secretary of the Legation of Portugal at Paris;[a]

The President of the Republic of Salvador: Mr. Torres Caïcedo, Corresponding Member of the Institute of France, Grand Officer of the Legion of Honor, etc., His Envoy Extraordinary and Minister Plenipotentiary at Paris;[b]

His Majesty the King of Servia: Mr. Sima M. Marinovitch, Chargé d'Affaires ad interim of Servia, Knight of the Royal Order of Takovo, etc.;

And the Federal Council of the Swiss Confederation: Mr. Charles Edward Lardy, its Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. J. Weibel, Engineer at Geneva, President of the Swiss Section of the permanent Commission for the protection of Industrial Property.

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following Articles:

Article I.

The Governments of Belgium, of Brazil, of Spain, of France, of Guatemala, of Italy, of the Netherlands, of Portugal, of Salvador, of Servia and of Switzerland, have constituted themselves into a state of Union for the protection of Industrial Property.

Article II.

The subjects or citizens of each of the contracting States shall enjoy, in all the other States of the Union, so far as concerns patents for inventions, trade or commercial marks, and the commercial name, the advantages that the respective laws thereof at present accord, or shall afterwards accord to subjects or citizens. In consequence they shall have the same protection as these latter, and the same legal recourse against all infringements of their rights, under reserve of complying with the formalities and conditions imposed upon subjects or citizens by the domestic legislation of each State.

Article III.

Are assimilated to the subjects or citizens of the contracting States, the subjects or citizens of States not forming part of the Union, who are domiciled or have industrial or commercial establishments upon the territory of one of the States of the Union.

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[a] Including the Azores and Madeira.
[b] Salvador withdrew August 17, 1887.

ARTICLE IV

Any one who shall have regularly deposited an application for a patent of invention, of an industrial model, or design, of a trade or commercial mark, in one of the contracting States, shall enjoy for the purpose of making the deposit in the other States, and under reserve of the rights of third parties, a right of priority during the periods hereinafter determined.

In consequence, the deposit subsequently made in one of the other States of the Union, before the expiration of these periods can not be invalidated by acts performed in the interval, especially by another deposit, by the publication of the invention or its working by a third party, by the sale of copies of the design or model, by the employment of the mark.

The periods of priority above mentioned shall be six months for patents of invention and three months for designs or industrial models, as well as for trade or commercial marks. They shall be augmented by one month for countries beyond the seas.

ARTICLE V.

The introduction by the patentee into countries where the patent has been granted, of articles manufactured in any other of the States of the Union, shall not entail forfeiture.

The patentee, however, shall be subject to the obligation of working his patent conformably to the laws of the country into which he has introduced the patented articles.

ARTICLE VI.

Every trade or commercial mark regularly deposited in the country of origin shall be admitted to deposit and so protected in all the other countries of the Union.

Shall be considered as country of origin, the country where the depositor has his principal establishment.

If this principal establishment is not situated in one of the countries of the Union, shall be considered as country of origin that to which the depositor belongs.

The deposit may be refused, if the object, for which it is asked, is considered contrary to morals and to public order.

ARTICLE VII.

The nature of the production upon which the trade or commercial mark is to be affixed can not in any case be an obstacle to the deposit of the mark.

ARTICLE VIII.

The commercial name shall be protected in all the countries of the Union without obligation of deposit, whether it forms part or not, of a trade or commercial mark.

ARTICLE IX.

Every production bearing unlawfully a trade or commercial mark, or a commercial name, may be seized upon importation into those of

the States of the Union in which such mark or such commercial name has a right to legal protection.

The seizure shall take place either at the instance of the public prosecutor or of the interested party, conformably to the domestic legislation of each State.

ARTICLE X.

The provisions of the preceding article shall be applicable to every production bearing falsely as indication of origin, the name of a stated locality, when this indication shall be joined to a fictitious commercial name or a name borrowed with fraudulent intention.

Is reputed interested party every manufacturer or trader engaged in the manufacture or sale of this production, when established in the locality falsely indicated as the place of export.

ARTICLE XI.

The High Contracting parties engage between themselves to accord a temporary protection to patentable inventions, to industrial designs or models as well as to trade or commercial marks for the productions, which may figure at official or officially recognized International Exhibitions.

ARTICLE XII.

Each one of the High Contracting parties engages to establish a special service of Industrial Property and a Central Depôt, for giving information to the public concernings patents of invention, industrial designs or models and trade or commercial marks.

ARTICLE XIII.

An International Office shall be organized under the title of "International Bureau of the Union for the Protection of Industrial Property."

This Bureau, the cost of which shall be supported by the Governments of all the contracting States, shall be placed under the high authority of the Superior Administration of the Swiss Confederation, and shall work under its supervision. Its powers shall be determined by common accord between the States of the Union.

ARTICLE XIV.

The present convention shall be submitted to periodical revisions for the purpose of introducing improvements calculated to perfect the system of the Union.

With this object, Conferences shall take place successively in one of the contracting States between the delegates of said States.

The next meeting shall take place in 1885 at Rome.

ARTICLE XV.

It is understood that the High Contracting parties respectively reserve the right to make, separately, between themselves, special

arrangements for the protection of industrial property, so far as these arrangements shall not interfere with the provisions of the present convention.

ARTICLE XVI.

The States that have not taken part in the present convention shall be admitted to adhere to the same upon their application.

This adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation and by the latter to all the others.

It shall convey, of full right, accession to all the clauses and admission to all the advantages stipulated by the present convention.

ARTICLE XVII.

The execution of the reciprocal engagements continued in the present convention is subordinated so far as needful, to the accomplishment of the formalities and rules established by the Constitutional laws of such of the High Contracting parties as are bound to ask the application thereof, which they agree to do within the shortest delay possible.

ARTICLE XVIII.

The present convention shall be put into execution within a month after exchange of ratifications, and shall remain in force during a period of time not determined, until the expiration of one year from the day upon which the denunciation shall be made.

This denunciation shall be addressed to the Government empowered to receive adhesions. It shall only produce its effect as regards the State making it, the convention remaining executory for the other contracting parties.

ARTICLE XIX.

The present Convention shall be ratified and the ratifications shall be exchanged at Paris, within the period of one year at the latest.

In witness whereof the respective Plenipotentiaries have signed it and affixed to it their seals.

Done at Paris the 20th of March, 1883.

Signed BEYENS.
" VILLENEUVE.
" DUC DE FERNAN-NUÑEZ.
" P. CHALLEMEL-LACOUR.
" CH. HÉRISSON.
" CH. JAGERSCHMIDT.
" CRISANTO MEDINA.
" RESSMAN.
" BARON DE ZUYLEN DE NYEVELT.
" JOSÉ DA SILVA MENDES LEAL.
" F. D'AZEVEDO.
" J. M. TORRES-CAÏCEDO.
" SIMA M. MARINOVITCH.
" LARDY.
" J. WEIBEL.

FINAL PROTOCOL.

On proceeding to the signature of the Convention, concluded this day between the Governments of Belgium, Brazil, Spain, France, Guatemala, Italy, the Netherlands, Portugal, Salvador, Servia and Switzerland, for the protection of Industrial Property, the undersigned Plenipotentiaries have agreed on the following:

1. The words *Industrial Property* are to be understood in their widest acceptation, in the sense that they apply not only to the productions of industry property so called, but equally to the productions of agriculture (wines, grains, fruits, cattle, etc.) and to mineral productions used in commerce (mineral waters, etc.).

2. Under the name *Patents of Inventions* are included the various classes of industrial patents granted by the laws of the contracting States, such as patents of importation, patents of improvement, etc.

3. It is understood that the final provision of article 2 of the Convention shall in no respect infringe upon the laws of each of the contracting States, so far as concerns the procedure before the courts and the competence of the said courts.

4. Paragraph 1 of article 6 is to be understood in the sense that no trade or commercial mark shall be excluded from protection, in one of the States of the Union, by the mere fact that it may not satisfy, in respect to the signs composing it, the conditions of the laws of this State, provided that it does satisfy, in this regard, the laws of the country of origin, and that it has been, in this latter country, duly deposited. Saving this exception, which concerns only the form of the mark, and under reservation of the provisions of the other articles of the Convention, the domestic legislation of each of the States shall receive its due application.

In order to avoid all misinterpretation, it is understood that the use of public armorial bearings and decorations may be considered contrary to public order, in the sense of the final paragraph of article 6.

5. The organization of a special service of Industrial Property mentioned in article 12 shall include, as far as is possible, the publication in each State of an official periodical.

6. The common expenses of the International Bureau, created by article 13, shall in no case exceed yearly a sum-total representing a mean of 2000 francs for each contracting state.[a]

In order to determine the contributory share of each of the states in this sum-total of expenses, the contracting States, and those who may hereafter adhere to the Union, shall be divided into six classes, each contributing in the proportion of a certain number of units, namely:

1st	*class*	25 units.
2d	"	20 "
3d	"	15 "
4th	"	10 "
5th	"	5 "
6th	"	3 "

These coefficients shall be multiplied by the number of the States of each class, and the sum of the products thus obtained shall fur-

[a] See Convention of 1891.

nish the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

The contracting States are classified as follows in respect to the division of the expenses.

1st *class*.—France, Italy.
2d " —Spain.
3d " —Belgium, Brazil, Portugal, Switzerland.
4th " —Netherlands.
5th " —Servia.
6th " —Guatemala, Salvador.

The Swiss Government shall supervise the expenditure of the International Bureau, make the necessary advances, and state the annual account, which shall be communicated to all the other Governments.

The International Bureau shall collect information of every kind relating to the protection of Industrial Property and shall compile, from it general statistics which shall be transmitted to all the Governments. It shall occupy itself with examinations of general utility which may be of interest to the Union, and shall publish, with the assistance of the documents put at its disposal by the various Governments, a periodical in the French language on questions which concern the object of the Union.

The numbers of this periodical and all the documents published by the International Bureau shall be partitioned among the Governments of the states of the Union in the proportion of the number of contributory units above mentioned.

The copies and supplementary documents which may be requested either by the said Governments, or by corporations or private persons, shall be paid for separately.

The International Bureau must always hold itself at the disposal of the members of the Union, in order to furnish them, on questions relating to the international service of Industrial Property, with such special information as they may need.

The Government of the country where the next Conference is to be held shall prepare, with the assistance of the International Bureau, the work of the said Conference.

The director of the International Bureau shall be present at the sessions of the Conferences, and shall take part in the discussions without voting.

He shall make an annual report on its management, which shall be communicated to all the members of the Union.

The official language of the International Bureau shall be the French language.

7. The present final protocol, which shall be ratified at the same time as the Convention concluded this day, shall be considered as forming an integral part of that Convention, and shall have the same force, value and duration.

In faith whereof the undersigned plenipotentiaries have drawn up the present protocol.

Signed: Beyens.
" Villeneuve.
" Duc de Fernan-Nuñez.
" P. Challemel-Lacour.

Signed: Ch. Hérisson.
" Ch. Jagerschmidt.
" Crisanto Medina.
" Ressman.
" Baron de Zuylen de Nyevelt.
" José da Silva Mendes Leal.
" F. d'Azevedo.
" J. M. Torres-Caïcedo.
" Sima M. Marinovitch.
" Lardy.
" J. Weibel.

1891.

Supplementary Industrial Convention.

Concluded at Madrid April 15, 1891; ratification advised by the Senate March 2, 1892; ratified by the President March 30, 1892; ratifications exchanged June 15, 1892; proclaimed June 22, 1892.

Articles.

I. Expenses of International Bureau. | II. Ratification; duration.

[Translation.]

Third Protocol.

Protocol concerning the dotation of the International Bureau of the Union for the protection of Industrial Property between Belgium, Brazil, Spain, The United States of America, France, Great Britain, Guatemala, Italy, Norway, The Netherlands, Portugal, Sweden, Switzerland and Tunis.

The undersigned Plenipotentiaries of the Governments above named,

In view of the declaration adopted March 12, 1883, by the International Conference for the Protection of Industrial Property convened at Paris,

Have, with one accord and subject to ratification, concluded the following Protocol:

Article 1.

The first paragraph of No. 6 of the final Protocol annexed to the International Convention of March 20, 1883, for the protection of Industrial Property is annulled and replaced by the following provision.

"The expenses of the International Bureau instituted by Article 13 shall be supported by the contracting States in common. They cannot in any event exceed the sum of sixty thousand francs per annum."

ARTICLE 2.

The present Protocol shall be ratified, and the ratifications thereof shall be exchanged at Madrid within a period of six months at the latest.

It shall take effect one month after the exchange of ratifications, and shall have the same force and duration as the Convention of March 20, 1883, of which it shall be considered as forming an integral part.

In testimony whereof, the Plenipotentiaries of the States above named have signed the present Protocol at Madrid, the fifteenth day of April, one thousand eight hundred and ninety-one.

For Belgium, TH. DE BOUNDER DE MELSBROECK.
" Brazil, LUIS F. D'ABREU.
" Spain, S. MORET, MARQUIS DE AGUILAR, ENRIQUE CALLEJA, LUIS MARIANO DE LARRA.
" The United States of America, E. BURD GRUBB.
" France and Tunis, P. CAMBON.
" Great Britain, FRANCIS CLARE FORD.
" Guatemala, J. CARRERA.
" Italy, MAFFEI.
" Norway, ARILD HUITFELDT.
" The Netherlands, GERICKE.
" Portugal, COUNT DE CASAL RIBEIRO.
" Sweden, ARILD HUITFELDT.
" Switzerland, CH. E. LARDET.
" " MOREL.

(Resolution of the Senate advising and consenting to the ratification.)

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 2, 1892.

Resolved
(*two-thirds of the Senators present concurring therein*) That the Senate advise and consent to the ratification of Protocols 3 and 4,[a] signed at Madrid, April 15, 1891, by the United States and other powers, amendatory to the Convention of March 20, 1883, for the protection of Industrial Property, subject to the reservation of the Plenipotentiary of the United States in the International Conference for the protection of Industrial Property at Madrid, as follows:

The share allotted to the United States to contribute to the dotation of the International Bureau is not to be augmented until the Congress of the United States shall have approved the augmentation.

That articles three and four of the fourth Protocol shall not go beyond what shall be established by the legislation of the United States.

Attest: ANSON G. MCCOOK
Secretary.

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[a] Ratification of Protocol 4 not exchanged. Protocol referred to next conference, to be held at Brussels.

1900.[a]

Additional Act Concluded at Brussels for the Protection of Industrial Property.

Concluded December 14, 1900; ratification advised by Senate March 7, 1901; ratified by President April 16, 1901; ratifications deposited at Brussels May 3, 1901; proclaimed August 25, 1902.

Articles.

I. Modification of convention March 20, 1883.
II. Addition to final protocol.
III. Duration; ratification.

[Note.—The United States have not yet been advised of the ratification of this act by the Dominican Republic and Servia, as required by its Article III.]

His Majesty the King of the Belgians; The President of the United States of Brazil; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain, and in his name, Her Majesty the Queen Regent of the Kingdom; The President of the United States of America; The President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Servia; His Majesty the King of Sweden and Norway; The Federal Council of the Swiss Confederation; The Government of Tunis, having deemed it useful to make certain modifications and additions to the International Convention of March 20, 1883, as well as to the Final Protocol annexed to said Convention, have named for their Plenipotentiaries the following:

His Majesty the King of the Belgians: Mr. A. Nyssens, former Minister of Industry and of Labor; Mr. L. Capelle, Envoy Extraordinary and Minister Plenipotentiary, Director General of Commerce and of Consulates in the Ministry of Foreign Affairs; Mr. Georges de Ro, Advocate at the Court of Appeal of Brussels, former Secretary of the order. Mr. J. Dubois, Director General in the Ministry of Industry and Labor.

The President of the United States of Brazil: Mr. da Cunha, Envoy Extraordinary and Minister Plenipotentiary of the United States of Brazil near His Majesty the King of the Belgians.

His Majesty the King of Denmark: Mr. H. Holten-Nielsen, Member of the Patent Commission, Registrar of Trade-Marks.

The President of the Dominican Republic: Mr. J. W. Hunter, Consul General of the Dominican Republic at Antwerp.

His Majesty the King of Spain, and, in His name, Her Majesty the Queen Regent of the Kingdom: Mr. de Villa Urrutia, His Envoy

[a]Adhered to by Germany, April 10, 1903; Mexico, September 7, 1903; Cuba, from January 1, 1905. New Zealand, notice of adhesion from Swiss Minister at Washington, May 23, 1905; date of adhesion not stated. Ceylon adhered from June 10, 1905; Australia, from August 5, 1907; Trinidad and Tobago, May 14, 1908; Austria, Hungary, and ipso jure, Bosnia and Herzegovina, from January 1, 1909; Servia, from September 23, 1909; Dominican Republic from December 25, 1909.

Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

The President of the United States of America: Mr. Lawrence Townsend, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians; Mr. Francis Forbes; Mr. Walter H. Chamberlin, Assistant Commissioner of Patents.

The President of the French Republic: Mr. Gérard, Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians; Mr. C. Nicolas, Former Councillor of State, Honorary Director at the Ministry of Commerce, of Industry, of Posts and Telegraphs; Mr. Michel Pelletier, Advocate at the Court of Appeal of Paris.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: The Right Honorable C. B. Stuart Wortley, M. P.; Sir Henry Bergne, K. C. M. G., Chief of the Commercial Department at the Foreign Office; Mr. C. N. Dalton, C. B., Comptroller General of Patents

His Majesty the King of Italy: Mr. Romeo Cantagalli, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians; Commander Carlo-Francesco Gabba, Senator, Professor at the University of Pisa; Chevalier Samuele Ottolenghi, Chief of Division at the Ministry of Agriculture, of Industry and of Commerce, Director of the Bureau on Industrial Property.

His Majesty the Emperor of Japan: Mr. Itchiro Motono, His Envoy Extraordinary and Ministry Plenipotentiary near His Majesty the King of the Belgians.

Her Majesty the Queen of the Netherlands: Mr. F. W. J. G. Snyder van Wissenkerke, Doctor of Laws, Councillor at the Ministry of Justice, Director of the Bureau on Industrial Property.

His Majesty the King of Portugal and of the Algarves: Councillor E. Madeira Pinto, Director General at the Ministry of Public Works, of Commerce and Industry.

His Majesty the King of Servia: Dr. Michel Vouitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

His Majesty the King of Sweden and Norway: Count Wrangel, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

The Federal Council of the Swiss Confederation: Mr. J. Borel, Consul General of the Swiss Confederation at Brussels; Doctor Louis-Rodolphe de Salis, Professor at Berne.

The President of the French Republic, for Tunis: Mr. Gérard, Envoy Extraordinary and Minister Plenipotentiary near his Majesty the King of the Belgians; Mr. Bladé, Consul of the 1st Class at the Ministry of Foreign Affairs of France.

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE 1.

The International Convention of March 20, 1883, is modified as follows:

I. Article 3 of the Convention shall read as follows:

ART. 3. Are assimilated to the subjects or citizens of the contracting States, the subjects of citizens of States not forming part of the

union, who are domiciled or have bona fide industrial or commercial establishments upon the territory of one of the States of the Union.

II. Article 4 shall read as follows:

ART. 4. Any one who shall have regularly deposited an application for a patent of invention, of an industrial model, or design, of a trade or commercial mark, in one of the contracting States, shall enjoy for the purpose of making the deposit in the other States, and under reserve of the rights of third parties, a right of priority during the periods hereinafter mentioned.

In consequence, the deposit subsequently made in one of the other States of the Union before the expiration of these periods cannot be invalidated by acts performed in the interval, especially by another deposit, by the publication of the invention or its working, by the sale of copies of the design or model, by the employment of the mark.

The periods of priority above mentioned shall be twelve months for patents of invention and four months for designs or industrial models, as well as for trade or commercial marks.

III. There is inserted in the Convention an article 4 *bis*, as follows:

ART. 4 *bis*. Patents applied for in the different contracting States by persons admitted to the benefit of the convention under the terms of articles 2 and 3 shall be independent of the patents obtained for the same invention in the other States adherents or non-adherents to the Union.

This provision shall apply to patents existing at the time of its going into effect.

The same rule applies, in the case of adhesion of new States, to patents already existing on both sides at the time of the adhesion.

IV. There are added to Article 9 two paragraphs, as follows:

In the States whose legislation does not admit of seizure on importation, such seizure may be replaced by prohibition of importation.

The authorities shall not be required to make the seizure in case of transit.

V. Article 10 shall read as follows:

ART. 10. The provisions of the preceding article shall be applicable to every production bearing falsely as indication of origin, the name of a stated locality when this indication shall be joined to a fictitious commercial name or a name borrowed with fraudulent intention.

Is reputed interested party every producer, manufacturer, or trader engaged in the production, the manufacture, or the sale of this production when established either in the locality falsely indicated as place of origin, or in the region where that locality is situated.

VI. There is inserted in the Convention an article 10 *bis*, as follows:

ART. 10. bis. Those entitled of right under the Convention (art. 2 and 3), shall enjoy, in all the States of the Union, the protection accorded to citizens or subjects against unfair competition.

VII. Article 11 shall read as follows:

ART. 11. The high contracting parties shall accord conformably to the legislation of each country a temporary protection to patentable inventions, to industrial designs, or models, as well as to trade-marks for the productions which shall be shown at official or officially recognized International Expositions organized upon the territory of one of them.

VIII. Article 14 shall read as follows:

ART. 14. The present Convention shall be submitted to periodical revision for the purpose of introducing improvements calculated to perfect the system of the Union.

With this object conferences shall take place successively in one of the contracting States between the delegates of said States.

IX. Article 16 shall read as follows:

ART. 16. The States that have not taken part in the present convention shall be admitted to adhere to the same upon their application.

This adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation and by the latter to all the others.

It shall convey of full right, accession to all the clauses, and admission to all the advantages stipulated by the present convention, and shall go into force a month after the sending of the notification given by the Swiss Government to the Unionist States, unless a later date shall have been indicated by the adhering State.

ARTICLE 2.

The Final Protocol annexed to the International Convention of March 20, 1883, is completed by the addition of a number 3 *bis*, as follows:

ART. 3 bis. The patentee, in each country, shall not suffer forfeiture because of non-working until after a minimum period of three years, to date from the deposit of the application in the country concerned, and in the case where the patentee shall not justify the reasons of his inaction.

ARTICLE 3.

The present Additional Act shall have the same force and duration as the Convention of March 20, 1883.

It shall be ratified and the ratifications shall be deposited at the Ministry of Foreign Affairs at Brussels as soon as may be and at the latest within the period of eighteen months dated from the day of signature.

It shall go into effect three months after the close of the record of deposit.

In witness whereof the respective Plenipotentiaries have signed the present Additional Act.

Done at Brussels, in a single copy, December 14, 1900.

For Belgium:

Signed: A. NYSSENS.
CAPELLE.
GEORGES DE RO.
J. DUBOIS.

For Brazil:

Signed: F. XAVIER DA CUNHA.

For Denmark:

Signed: H. HOLTEN NIELSEN.

For the Dominican Republic:

Signed: JOHN W. HUNTER.

For Spain:

Signed: W. R. DE VILLA URRUTIA.

For the United States of America:
Signed: LAWRENCE TOWNSEND.
FRANCIS FORBES.
WALTER H. CHAMBERLIN.

For France:
Signed: A. GÉRARD.
C. NICOLAS.
MICHEL PELLETIER.

For Great Britain:
Signed: CHARLES B. STUART WORTLEY.
H. C. BERGNE.
C. N. DALTON.

For Italy:
Signed: R. CANTAGALLI.
C. F. GABBA.
S. OTTOLENGHI.

For Japan:
Signed: I. MOTONO.

For Norway:
Signed: Cte WRANGEL.

For the Netherlands:
Signed: SNYDER VAN WISSENKERKE.

For Portugal:
Signed: ERNESTO MADEIRA PINTO.

For Servia:
Signed: Dr. MICHEL VOUITCH.

For Sweden:
Signed: Cte WRANGEL.

For Switzerland:
Signed: JULES BOREL.
L. R. DE SALIS.

For Tunis:
Signed: A. GÉRARD.

1884.

CONVENTION FOR PROTECTION OF SUBMARINE CABLES.

Concluded March 14, 1884; ratification advised by the Senate June 12, 1884; ratified by the President January 26, 1885; ratifications exchanged April 16, 1885; proclaimed May 22, 1885.

(The text here given is from the proclamation of the President attached to the original in the French language, submitted to the Senate.)

ARTICLES.

I. Application of convention.
II. Punishment for injuries to cables.
III. Requirements for cable laying.
IV. Payment for repairs.
V. Rules for ships laying cables.
VI. Vessels to avoid cables.
VII. Losses from cables.
VIII. Jurisdiction of courts.
IX. Prosecutions for infractions.
X. Evidence of violations.
XI. Trials.
XII. Laws to be enacted.
XIII. Communication of legislation.
XIV. Adhesion of other States.
XV. Belligerent action not affected.
XVI. Operation; duration.
XVII. Ratification.
Additional article. British colonies.

[Translation.]

His Excellency the President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and Norway, and His Excellency the President of the Oriental Republic of Uruguay, desiring to secure the maintenance of telegraphic communication by means of submarine cables, have resolved to conclude a convention to that end, and have appointed as their Plenipotentiaries, to wit:

His Excellency the President of the United States of America, Mr. L. P. Morton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Paris, etc., etc., etc., and Mr. Vignaud, Secretary of the Legation of the United States of America at Paris, etc., etc., etc.;

His Majesty the Emperor of Germany, King of Prussia, His Highness Prince Charles Victor von Hohenlohe-Schillingsfürst, Prince of Ratibor and Corvey, Grand Chamberlain of the Crown of Bavaria, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Argentine Confederation, M. Balcarce, Envoy Extraordinary and Minister Plenipotentiary of the Confederation at Paris, etc., etc., etc.;

His Majesty the Emperor of Austria, King of Bohemia, etc., Apostolical King of Hungary, His Excellency Count Ladislas Hoyos, Actual Privy Counselor, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Belgians, Baron Beyens, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.; and Mr. Leopold Orban, Envoy Extraordinary and Minister Plenipotentiary, Director General of Political Affairs at the Department of Foreign Affairs of Belgium, etc., etc., etc.;

His Majesty the Emperor of Brazil, Mr. d'Araujo, Baron d'Itajubá, Chargé d'Affaires of Brazil at Paris, etc., etc., etc.;

His Excellency the President of the Republic of Costa Rica, Mr. Leon Somzée, Secretary of the Legation of Costa-Rica, at Paris, etc., etc., etc.;

His Majesty the King of Denmark, Count de Moltke-Hvitfeldt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Dominican Republic, Baron de Almeda, Envoy Extraordinary and Minister Plenipotentiary of the Dominician Republic at Paris, etc., etc., etc.;

His Majesty the King of Spain, His Excellency Manuel Silvela de la Vielleuse, permanent Senator, member of the Spanish Academy, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the United States of Colombia, Doctor José G. Triana, Consul-General of the United States of Colombia at Paris, etc., etc., etc.;

His Excellency the President of the French Republic, Mr. Jules Ferry, Deputy, President of the Council, Minister of Foreign Affairs, etc., etc., etc;

and Mr. Adolphe Cochery, Deputy, Minister of Posts and Telegraphs, etc., etc., etc.;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Excellency the Right Honorable Richard Bikerton Pemell, Viscount Lyons, Peer of the United Kingdom of Great Britain and Ireland, member of her British Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of the Republic of Guatemala, Mr. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Guatemala at Paris, etc., etc., etc.;

His Majesty the King of the Hellenes, Prince Maurocordato, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Italy, His Excellency General Count Menabrea, Marquis de Valdora, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the Emperor of the Ottomans, His Excellency Essad Pasha, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, Baron de Zuylen de Nyevelt, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the Shah of Persia, General Nazare-Aga, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Portugal and the Algarves, Mr. d'Azevedo, Chargé d'Affaires of Portugal at Paris, etc., etc., etc.;

His Majesty the King of Roumania, Mr. Alexander Odobesco, Chargé d'Affaires *ad interim* of Roumania at Paris, etc., etc., etc.;

His Majesty the Emperor of all the Russias, His Excellency the Aid-de-Camp General Prince Nicholas Orloff, His Ambassador Extraordinary and Plenipotentiary near the Government of the French Republic, etc., etc., etc.;

His Excellency the President of Salvador, Mr. Torres Caïcedo, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Salvador at Paris, etc., etc., etc.;

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Majesty the King of Sweden and Norway, Mr. Sibbern, His Envoy Extraordinary and Minister Plenipotentiary at Paris, etc., etc., etc.;

His Excellency the President of the Oriental Republic of Uruguay, Colonel Diaz, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay at Paris, etc., etc., etc.;

Who, after having exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The present Convention shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies or possessions of one or more of the High Contracting Parties.

ARTICLE II.

The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

ARTICLE III.

The High Contracting Parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of article II. of this Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the High Contracting Parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

ARTICLE VI.

Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid, are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

ARTICLE VIII.

The courts competent to take cognizance of infractions of this convention shall be those of the country to which the vessel on board of which the infraction has been committed belongs.

It is, moreover, understood that, in cases in which the provision contained in the foregoing paragraph cannot be carried out, the repression of violations of this convention shall take place, in each of the contracting States, in the case of its subjects or citizens, in accordance with the general rules of penal competence established by the special laws of those States, or by international treaties.

ARTICLE IX.

Prosecutions on account of the infractions contemplated in articles II., V. and VI. of this convention, shall be instituted by the State or in its name.

ARTICLE X.

Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which a case has been brought.

When the officers commanding the vessels of war or the vessels specially commissioned for that purpose, of one of the High Contracting Parties, shall have reason to believe that an infraction of the measures provided for by this Convention has been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

Reports may, moreover, be prepared by the said officers, whatever may be the nationality of the inculpated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused parties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.

ARTICLE XI.

Proceedings and trial in cases of infractions of the provisions of this Convention shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The High Contracting Parties engage to take or to propose to their respective legislative bodies the measures necessary in order to secure the execution of this Convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such persons as may violate the provisions of articles II., V. and VI.

ARTICLE XIII.

The High Contracting Parties shall communicate to each other such laws as may already have been or as may hereafter be enacted in their respective countries, relative to the subject of this Convention.

ARTICLE XIV.

States that have not taken part in this Convention shall be allowed to adhere thereto, on their requesting to do so. Notice of such adhesion shall be given, diplomatically, to the Government of the French Republic, and by the latter to the other signatory Governments.

ARTICLE XV.

It is understood that the stipulations of this Convention shall in no wise affect the liberty of action of belligerents.

ARTICLE XVI.

This Convention shall take effect on such day as shall be agreed upon by the High Contracting Parties.

It shall remain in force for five years from that day, and, in case none of the High Contracting Parties shall have given notice, twelve months previously to the expiration of said period of five years, of its intention to cause its effects to cease, it shall continue in force for one year, and so on from year to year.

In case one of the Signatory Powers shall give notice of its desire for the cessation of the effects of the Convention, such notice shall be effective as regards that Power only.

ARTICLE XVII.

This Convention shall be ratified; its ratifications shall be exchanged at Paris as speedily as possible, and within one year at the latest.

In testimony whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done in twenty-six copies, at Paris, this 14th day of March, 1884.

[SEAL.]	L. P. MORTON.	[SEAL.]	HENRY VIGNAUD.
[SEAL.]	HOHENLOHE.		
[SEAL.]	M. BALCARCE.		
[SEAL.]	LADISLAS COUNT HOYOS.		
[SEAL.]	BEYENS.	[SEAL.]	LEOPOLD ORBAN.
[SEAL.]	BN. D'ITAJUBÁ.		
[SEAL.]	LÉON SOMZÉE.		
[SEAL.]	MOLTKE-HVITFELDT.		
[SEAL.]	EMANUEL DE ALMEDA.		
[SEAL.]	MANUEL SILVELA.		
[SEAL.]	JOSÉ G. TRIANA.		
[SEAL.]	JULES FERRY.	[SEAL.]	AD. COCHERY.
[SEAL.]	LYONS.		
[SEAL.]	CRISANTO MEDINA.		
[SEAL.]	MAUROCORDATO.		
[SEAL.]	MENABREA.		
[SEAL.]	ESSAD.		
[SEAL.]	BN. DE ZUYLEN DE NYEVELT.		
[SEAL.]	NAZARE-AGA.		
[SEAL.]	F. D'AZEVEDO.		
[SEAL.]	ODOBESCO.		
[SEAL.]	PRINCE ORLOFF.		
[SEAL.]	J. M. TORRES-CAÏCEDO.		
[SEAL.]	J. MARINOVITCH.		
[SEAL.]	G. SIBBERN.		
[SEAL.]	JUAN J. DIAZ.		

ADDITIONAL ARTICLE.

The stipulations of the Convention concluded this day for the protection of submarine cables shall be applicable, according to Article I., to the colonies and possessions of Her Britannic Majesty with the exception of those named below,[a] to wit:

Canada.	New South Wales.	South Australia.
Newfoundland.	Victoria.	West Australia.
The Cape.	Queensland.	New Zealand.
Natal.	Tasmania.	

[a] These colonies subsequently adhered to the convention.

Nevertheless, the stipulations of the said Convention shall be applicable to one of the above-named colonies or possessions, if, in their [its?] name, a notification to that effect has been addressed by the representative of Her Britannic Majesty at Paris to the Minister of Foreign Affairs of France.

Each of the above-named Colonies or possessions that shall have adhered to the said Convention, shall have the privilege of withdrawing in the same manner as the contracting powers. In case one of the colonies or possessions in question shall desire to withdraw from the Convention, a notification to that effect shall be addressed by Her Britannic Majesty's representative at Paris to the Minister of Foreign Affairs of France.

Done in twenty-six copies at Paris, this fourteenth day of March, 1884.

L. P. Morton.
Hohenlohe.
M. Balcarce.
Ladislas count Hoyos.
Beyens.
bn. d'Itajubá.
Léon Somzée.
Moltke-Hvitfeldt.
Emanuel de Almeda.
Manuel Silvela.
José G. Triana.
Jules Ferry.
Lyons.
Crisanto Medina.
Maurocordato.
Menabrea.
Essad.
bn. de Zuylen de Nyevelt.
Nazare-Aga.
F. d'Azevedo.
Odobesco.
Prince Orloff.
J. M. Torres-Caïcedo.
J. Marinovitch.
G. Sibbern.
Juan J. Diaz.

Henry Vignaud.

Léopold Orban.

Ad. Cochery.

1886.

Declaration Respecting the Interpretation of Articles II and IV of the Convention of March 14, 1884, for the Protection of Submarine Cables.

Signed at Paris December 1, 1886; ratification advised by the Senate February 20, 1888; ratified by the President March 1, 1888; proclaimed May 1, 1888.

[Translation.]

The undersigned, Plenipotentiaries of the signatory Governments of the Convention of March 14, 1884, for the protection of submarine

cables, having recognized the expediency of defining the sense of the terms of Articles II and IV, of the said convention, have prepared by common accord the following declaration:

Certain doubts having arisen as to the meaning of the word "wilfully" inserted in Article II of the convention of the 14th of March, 1884, it is understood that the imposition of penal responsibility, mentioned in the said article, does not apply to cases of breaking or of injuries occasioned accidentally or necessarily in repairing a cable, when all precautions have been taken to avoid such breakings or damages.

It is likewise understood that Article IV of the convention has no other object and is to have no other effect than to charge the competent tribunals of each country with the determination, conformably to their laws and according to circumstances, of the question of the civil responsibility of the owner of a cable, who, by the laying or repairing of such cable, causes the breaking or injury of another cable, and also of the consequences of that responsibility, if it is found to exist.

Done at Paris, December 1, 1886, and March 23, 1887, for Germany.

ROBERT M. MCLANE.
MÜNSTER.
JOSÉ C. PAZ.
GOLUCHOWSKI.
BEYENS.
ARINOS.
R. FERNÁNDES.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
J. L. ALBAREDA.
C. D. FREYCINET.
LYONS.
CRISANTO MEDINA.
N. S. DELYANNI.
L. L. MENABREA.
HARA.
ESSAD.
A. DE STUERS.
COMPTE DE VALBOM
V. ALECSANDRI.
KOTZEBUE.
E. PECTOR.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

1886.

PROTOCOL [a] PROVIDING FOR THE SUBMISSION TO THE SIGNATORY POWERS FOR THEIR APPROVAL A DRAFT [b] OF A DECLARATION INTERPRETING ARTICLES II AND IV OF THE CONVENTION OF MARCH 14, 1884, FOR THE PROTECTION OF SUBMARINE CABLES.

Signed at Paris, May 21, 1886.

The undersigned, representatives of the Argentine Republic, Austria-Hungary, Belgium, Brazil, Costa Rica, Denmark, the Dominican Republic, Spain, the United States of America, France, Great Britain, Greece, Guatemala, Italy, Japan, the Netherlands, Portugal, Roumania, Russia, Salvador, Servia, Sweden and Norway, Turkey, and Uruguay assembled at Paris on the 12th of May, 1886, for the purpose of examining the situation of the different signatory States of the convention of the 14th of March, 1884, for the protection of submarine cables, in respect to the execution of article 12 of the said convention.

[a] Translation. The protocol as signed was in the French language only.
[b] This draft was adopted by the signatory powers and signed by the plenipotentiaries December 1, 1886, and on the part of Germany March 23, 1887.

As the result of the examination to which they have applied themselves in concert, they have arranged a draft of a Declaration which is annexed to the present protocol and which they bind themselves to recommend for adoption to their respective governments.

Done at Paris, May 21, 1886.

Argentine Confederation:
José C. Paz.
Austria-Hungary:
Goluchowski.
Belgium:
Leopold Orban.
Brazil:
Arinos.
Costa Rica:
Fernández.
Denmark:
Moltke-Hvitfeldt.
Dominican Republic:
Emanuel de Almeda.
Spain:
J. Luis Albareda.
Vicente Coromina.
Zoilo S^hos Ocaño.
United States:
Robert M. McLane.
France:
F. Granet.
Clavery.
Fribourg.
L. Renault.
H. Chassériau.
J. Raynaud.
Great Britain:
C. M. Kennedy.
C. Cecil Trevor.
J. C. Lamb.
Greece:
N. S. Delyanni.
Guatemala:
C. Goguel.
Italy:
F. Salvatori.
G. Polacco.
Japan:
F. Marshall.
The Netherlands:
A. de Stuers.
Portugal:
João d'Andrade Corvo.
João Antonio de Brissac das Neves Ferreira.
Roumania:
V. Alecsandri.
Russia:
E. Alexeieff.
Salvador:
E. Pector.
Servia:
J. Marinovitch.
Sweden and Norway:
C. Lewenhaupt.
Turkey:
Djémal.
Uruguay:
Juan J. Diaz.

1887.

Final Protocol of Agreement Between the United States of America and other Powers Fixing May 1st, 1888, as the Date of Effect of the Convention Concluded at Paris March 14, 1884, for the Protection of Submarine Cables.

Signed at Paris July 7, 1887; ratification advised by the Senate February 20, 1888; ratified by the President March 1, 1888; proclaimed May 1, 1888.

[Translation.]

The undersigned, Plenipotentiaries of the Governments, parties to the Convention of March 14, 1884, for the protection of submarine cables, having met at Paris for the purpose of fixing, in pursuance of article 16 of that international instrument, a date for putting the said convention into execution, have agreed upon the following:

I. The International Convention of March 14, 1884, for the protection of submarine cables, shall go into operation on the 1st day of May, 1888, provided, however, that at that date those of the contracting Governments that have not yet adopted the measures provided for by article 12 of the said international instrument, shall have conformed to that stipulation.

II. The measures which shall have been taken by the said States in execution of article 12 aforesaid, shall be made known to the other contracting Powers through the French Government, which is charged with the examination of the said measures.

III. The Government of the French Republic is likewise charged with the examination of the similar legislative and reglementary provisions which are to be adopted, in their respective countries, in pursuance of article 12, by such States as have not taken part in the Convention, and as may desire to avail themselves of the privilege of accession, for which provision is made in article 14.

In testimony whereof, the undersigned Plenipotentiaries have adopted this final protocol, which shall be considered as forming an integral part of the International Convention of March 14, 1884.

Done at Paris, July 7, 1887.

ROBERT M. MCLANE.
LEYDEN.
JOSÉ C. PAZ.
HOYOS.
BEVENS.
ARINOS.
MANUEL M. DE PERAALTA.
MOLTKE-HVITFELDT.
EMANUEL DE ALMEDA.
FLOURENS.
J. LUIS ALBAREDA.
LYONS.
CHRISANTO MEDINA.
N. S. DELYANNI.
L. L. MENABREA.
HARA.
H. MISSAK.
A. DE STUERS.
COMTE DE VALBOM.
V. ALECSANDRI.
N. DE GIERS.
J. F. MEDINA.
J. MARINOVITCH.
C. LEWENHAUPT.
JUAN J. DIAZ.

1886.[a]

CONVENTION FOR INTERNATIONAL EXCHANGE OF OFFICIAL DOCUMENTS, SCIENTIFIC AND LITERARY PUBLICATIONS.

Concluded at Brussels March 15, 1886; ratification advised by the Senate June 18, 1888; ratified by the President July 19, 1888; ratifications exchanged January 14, 1889; proclaimed January 15, 1889.

(The text is reprinted from the translation made in the Department of State and proclaimed by the President with the original treaty, which is in the French language.)

ARTICLES.

I. Bureaus of exchanges to be established.
II. Publications to be exchanged.
III. Lists to be printed.
IV. Number of copies.
V. Transmission of documents.
VI. Expense of transmittal.
VII. Publications of learned associations.
VIII. Application of convention.
IX. Adhesion of other States.
X. Ratifications; duration.

[a]Adhered to by the Argentine Republic, Paraguay and Uruguay.

[Translation.]

The President of the United States of America, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, Her Majesty the Queen Regent of Spain, His Majesty the King of Italy, His Majesty the King of Portugal and of the Algarves, His Majesty the King of Servia, The Federal Council of the Swiss Confederation, desiring to establish, on the bases adopted by the Conference which met at Brussels from the 10th to the 14th April 1883, a system of international exchanges of the official documents and of the scientific and literary publications of their respective States, have appointed for their Plenipotentiaries, to wit:

The President of the United States of America, Mr. Lambert Tree, Minister Resident of the United States of America at Brussels,

His Majesty the King of the Belgians, The Prince de Caraman, His Minister of Foreign Affairs, and the Chevelier de Moreau, His Minister of Agriculture, Industry and Public Works,

His Majesty the Emperor of Brazil, The Count de Villeneuve, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

Her Majesty the Queen Regent of Spain, Mr. de Tavira, Chargé d'Affaires ad-interim of Spain at Brussels,

His Majesty the King of Italy, the Marquis Maffei, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

His Majesty the King of Portugal and of the Algarves, the Baron de Sant' Anna, Envoy Extraordinary and Minister Plenipotentiary of His Very Faithful Majesty.

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

The Federal Council of the Swiss Confederation, Mr. Rivier its special Plenipotentiary.

Who, after having communicated between themselves their full powers, which are found in good and due form, have agreed upon the following Articles:

ARTICLE I.

There shall be established in each of the contracting States, a bureau charged with the duty of the exchanges.

ARTICLE II.

The publications which the contracting States agree to exchange, are the following:

1st. The Official documents, parliamentary and administrative, which are published in the country of their origin.

2nd. The works executed by order and at the expense of the Government.

ARTICLE III.

Each bureau shall cause to be printed a list of the publications that it is able to place at the disposal of the contracting States.

This list shall be corrected and completed each year and regularly addressed to all the bureaus of exchange.

ARTICLE IV.

The bureaus of exchange will arrange between themselves the number of copies which they may be able eventually to demand and furnish.

ARTICLE V.

The transmissions shall be made directly from bureau to bureau. Uniform models and formulas will be adopted for the memoranda of the contents of the cases, as well as for all the administrative correspondence, requests, acknowledgments of reception, etc.

ARTICLE VI.

For exterior transmissions, each State assumes the expense of packing and transportation to the place of destination. Nevertheless when the transmissions shall be made by sea, special arrangements will regulate the share of each State in the expense of transportation.

ARTICLE VII.

The bureaus of exchange will serve, in an officious capacity, as intermediaries between the learned bodies and literary and scientific societies, etc. of the contracting States for the reception and transmission of their publications.

It remains however well understood that, in such case, the duty of the bureaus of exchange will be confined to the free transmission of the works exchanged and that these bureaus will not in any manner take the initiative to bring about the establishment of such relations.

ARTICLE VIII.

These provisions apply only to the documents and works published after the date of the present Convention.

ARTICLE IX.

The States which have not taken part in the present Convention are admitted to adhere to it on their request.

This adhesion will be notified diplomatically to the Belgian Government and by that Government to all the other signatory States.

ARTICLE X.

The present Convention will be ratified and the ratifications will be exchanged at Brussels, as soon as practicable. It is concluded for ten years, from the day of the exchange of ratifications, and it will remain in force beyond that time, so long as one of the Governments shall not have declared six months in advance that it renounces it.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done at Brussels in eight copies the 15th of March, 1886.

Lambert Tree	[SEAL.]
Pr. de Caraman	[SEAL.]
Chvlier d. Moreau	[SEAL.]
Cte. de Villeneuve	[SEAL.]
José Ma. de Tavira	[SEAL.]
Maffei	[SEAL.]
Bon de Sant' Anna	[SEAL.]
J. Marinovitch	[SEAL.]
Alphonse Rivier	[SEAL.]

1886.

Convention for the Immediate Exchange of Official Journals, Parliamentary Annals, and Documents.

Concluded at Brussels March 15, 1886; ratification advised by the Senate June 18, 1888; ratified by the President July 19, 1888; ratifications exchanged January 14, 1889; proclaimed January 15, 1889.

Articles.

I. Immediate exchange of official journals, parliamentary annals, documents.
II. Adhesion of other states.
III. Ratification; duration.

[Translation.]

The President of the United States, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, Her Majesty the Queen Regent of Spain, His Majesty the King of Italy, His Majesty the King of Portugal and of the Algarves, His Majesty the King of Servia, desiring to assure the immediate exchange of the Official Journal as well as of the parliamentary Annals and Documents of their respective States, have named as their Plenipotentiaries, to wit:

The President of the United States of America, Mr. Lambert Tree, Minister Resident of the United States of America at Brussels,

His Majesty the King of the Belgians, The Prince de Caraman, His Minister of Foreign Affairs, and the Chevalier de Moreau, His Minister of Agriculture, Industry and Public Works,

His Majesty the Emperor of Brazil, The Count de Villeneuve, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

Her Majesty the Queen Regent of Spain, Mr. de Tavira, Chargé d'Affaires, ad interim, of Spain at Brussels,

His Majesty the King of Italy, The Marquis Maffei, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians,

His Majesty the King of Portugal and of the Algarves, the Baron de Sant' Anna, Envoy Extraordinary and Minister Plenipotentiary of His Very Faithful Majesty,

His Majesty the King of Servia, Mr. Marinovitch, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Who, after having communicated between themselves their full powers, found in good and due form, have agreed upon the following Articles:

Article I.

Independently of the obligations which result from Article 2 of the General Convention of this day, relative to the exchange of official documents and of scientific and literary publications, the respective Governments undertake to have transmitted to the legislative chambers of each contracting State, as fast as their publication, a copy of the Official Journal as well as of the parliamentary Annals and Documents, which are given publicity.

Article II.

The States which have not taken part in the present Convention are admitted to adhere thereto on their request.

This adhesion will be notified diplomatically to the Belgian Government, and by that Government to all the other signatory States.

Article III.

The present Convention will be ratified and the ratifications will be exchanged at Brussels as soon as practicable. It is concluded for ten years from the day of the exchange of the ratifications and it will remain in force beyond that time, so long as one of the Governments shall not have declared six months in advance that it renounces it.

In witness whereof, the respective Plenipotentiaries have signed it, and have thereunto affixed their seals.

Done at Brussels, in seven copies the 15th of March, 1886.

Lambert Tree	[seal.]
Pr. de Caraman	[seal.]
Chvlier d. Moreau	[seal.]
Cte. de Villeneuve	[seal.]
José Ma. de Tavira	[seal.]
Maffei	[seal.]
Bon de Sant' Anna	[seal.]
J. Marinovitch	[seal.]

1890.

General Act for the Repression of African Slave Trade.

Signed July 2, 1890; ratification advised by the Senate January 11, 1892; ratified by the President January 19, 1892; ratification deposited with Belgian Government February 2, 1892; proclaimed April 2, 1892.

(The original of this treaty is in the French language and the text here given is from the translation submitted to the Senate and attached to the proclamation.)

Articles.

Chapter I.—*Slave-trade countries.—Measures to be taken in the places of origin.*

I. Measures to counteract slave trade.
II. Duties of stations, cruisers, and posts.
III. Support of powers.
IV. National associations.
V. Legislation to be enacted.
VI. Return of liberated slaves.
VII. Protection of fugitive slaves.
VIII. Importation of firearms prohibited.
IX. Regulations for use of firearms.
X. Transit of arms and ammunition.
XI. Information to be furnished.
XII. Legislation to punish offenders.
XIII. Prevention of introduction of firearms.
XIV. Duration of firearms provisions.

Chapter II.—*Caravan routes and transportation of slaves by land.*

XV. Stoppage of convoys.
XVI. Posts on caravan routes.
XVII. Prevention of sales, etc.
XVIII. Care of liberated slaves.
XIX. Punishments.

Chapter III.—*Repression of slave trade by sea.*

Section I.—General provisions.

XX. Agreement of powers.
XXI. Maritime zone.
XXII. Right of search, etc.
XXIII. Vessels liable to search, etc.
XXIV. Effect of present conventions.
XXV. Unlawful use of flag.
XXVI. Exchange of information.
XXVII. International Bureau at Zanzibar.
XXVIII. Slaves escaping to ships of war.
XXIX. Release of slaves on native vessels.

Section II.—Regulations concerning the use of the flags and supervision by cruisers.

1. *Rules for granting the flag to native vessels, and as to crew lists and manifests of black passengers on board.*

XXX. Control over native vessels.
XXXI. Definition of native vessels.
XXXII. Native vessels which may carry flag.
XXXIII. Renewal of authority.
XXXIV. Act of authority.
XXXV. Crew lists.
XXXVI. Carriage of negro passengers.
XXXVII. Entry of vessels.
XXXVIII. Negro passengers not allowed on native vessels.
XXXIX. Vessels excepted.
XL. Forfeiture of license.
XLI. Forms to be issued.

2.—The stopping of suspected vessels.

XLII. Examination of papers.
XLIII. Boarding.
XLIV. Papers to be examined.
XLV. Examination of cargo.
XLVI. Minute of boarding officer.
XLVII. Report of detentions.
XLVIII. Communication to International Bureau.
XLIX. Disposal of seized vessels.

3.—Of the examination and trial of vessels seized.

L. Trials.
LI. Disposal of arrested vessels.
LII. Result of condemnation.
LIII. Indemnity for illegal arrests.
LIV. Arbitration of disputed decisions.
LV. Choice of arbitrators.
LVI. Trials.
LVII. Summary proceedings.
LVIII. Release of innocent vessels; damages.
LIX. Penalties.
LX. Special tribunals.
LXI. Communication of instructions.

CHAPTER IV.—*Countries to which slaves are sent, whose institutions recognize the existence of domestic slavery.*

LXII. Prohibition of slave trade.
LXIII. Disposition of liberated slaves.
LXIV. Freedom of fugitive slaves.
LXV. Sales declared void.
LXVI. Examination of native vessels.
LXVII. Penal punishments.
LXVIII. Turkish law.
LXIX. Assistance by Shah of Persia.
LXX. Assistance by Sultan of Zanzibar.
LXXI. Assistance of diplomatic and consular officers.
LXXII. Liberation office.
LXXIII. Exchange of statistics.

CHAPTER V.—*Institutions intended to insure the execution of the general act.*

Section I.—Of the international maritime office.

LXXIV. International office at Zanzibar.
LXXV. Organization.
LXXVI. Expenses.
LXXVII. Objects.
LXXVIII. Archives; translations.
LXXIX. Branch offices.
LXXX. Annual reports.

Section II.—Of the exchange between the Governments of documents and information relative to the slave trade.

LXXXI. Exchange of information.
LXXXII. Central exchange office.
LXXXIII. Reports from Zanzibar office.
LXXXIV. Publications.
LXXXV. Expenses.

Section III.—Of the protection of liberated slaves.

LXXXVI. Offices for liberating slaves.
LXXXVII. Registry of releases.
LXXXVIII. Refuge for women and children.
LXXXIX. Protection of freed slaves.

CHAPTER VI.—*Measures to restrict the traffic in spirituous liquors.*

XC. Prohibited zone.
XCI. Prohibition of importation and manufacture.
XCII. Import duty in certain localities.
XCIII. Excise duty.
XCIV. Prevention of introduction of liquors.
XCV. Information to be communicated.

CHAPTER VII.—*Final provisions.*

XCVI. Contrary stipulations repealed.
XCVII. Modifications.
XCVIII. Adhesion of Powers.
XCIX. Ratification.
C. Duration.
Protocol.

[Translation.]

IN THE NAME OF GOD ALMIGHTY.

The President of the United States of America;

His Majesty the German Emperor, King of Prussia, in the name of the German Empire;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary;

His Majesty the King of the Belgians;

His Majesty the King of Denmark;

His Majesty the King of Spain, and in his name Her Majesty the Queen Regent of the Kingdom;

His Majesty the Sovereign of the Independent State of the Congo;

The President of the French Republic;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;

His Majesty the King of Italy;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg;

His Majesty the Shah of Persia;

His Majesty the King of Portugal and the Algarves, &c.;

His Majesty the Emperor of all the Russias;

His Majesty the King of Sweden and Norway, &c.;

His Majesty the Emperor of the Ottomans; and

His Highness, the Sultan of Zanzibar;

Being equally actuated by the firm intention of putting an end to the crimes and devastations engendered by the traffic in African slaves, of efficiently protecting the aboriginal population of Africa, and of securing for that vast continent the benefits of peace and civilization;

Wishing to give fresh sanction to the decisions already adopted in the same sense and at different times by the powers, to complete the results secured by them, and to draw up a body of measures guaranteeing the accomplishment of the work which is the object of their common solicitude;

Have resolved, in pursuance of the invitation addressed to them by the Government of His Majesty the King of the Belgians, in agreement with the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, to convene for this purpose a conference at Brussels, and have named as their plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

Mr. Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians, and

Mr. Henry Shelton Sanford;

HIS MAJESTY THE EMPEROR OF GERMANY, KING OF PRUSSIA, IN THE NAME OF THE GERMAN EMPIRE,

Frederic John, Count of Alvensleben, His Chamberlain and Actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Goehring, His Privy Councillor of Legation, Consul-General of the German Empire at Amsterdam;

His Majesty the Emperor of Austria, King of Bohemia and Apostolic King of Hungary,

Rodolphe Count Khevenhüller-Metsch, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near his Majesty the King of the Belgians,

His Majesty the King of the Belgians,

Auguste Baron Lambermont, His Minister of State, His Envoy Extraordinary and Minister Plenipotentiary, and

M. Emile Banning, Director General in the Department of Foreign Affairs of Belgium;

His Majesty the King of Denmark,

Mr. Frederic-George Schack de Brockdorff, Consul-General of Denmark, at Antwerp;

His Majesty the King of Spain, and in His Name Her Majesty the Queen Regent of the Kingdom,

Don José Gutierrez de Agüera, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the Sovereign-King of the Independent State of the Congo,

Mr. Edmund Van Eetvelde, Administrator-General of the Department of Foreign Affairs of the Independent State of the Congo and

Mr. Auguste Van Maldeghem, Councillor in the Belgian Court of Cassation;

The President of the French Republic,

M. Albert Bourée, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians, and

M. George Cogordan, Minister Plenipotentiary, Director of the Office of the Minister of Foreign Affairs of France;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India,

Lord Vivian, Peer of the United Kingdom, Her Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Sir John Kirk;

His Majesty the King of Italy,

Francis de Renzis, Baron of Montanaro, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. Thomas Catalani, His Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg,

Louis Baron Gericke de Herwynen, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Imperial Majesty the Shah of Persia,

General Nazare Aga, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the King of Portugal and of the Algarves,
Mr. Henrique de Macedo Pereira Coutinho, Member of His Council, Peer of the Kingdom, Minister and Honorary Secretary of State, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
His Majesty the Emperor of all the Russias,
Leon Prince Ouroussoff, Master of His Court, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and
Mr. Frederic de Martens, His Actual Councillor of State, Permanent Member of the Council of Foreign Affairs of Russia;
His Majesty the King of Sweden and Norway,
Mr. Charles de Burenstam, His Chamberlain, His Minister Plenipotentiary near His Majesty the King of the Belgians and near His Majesty the King of the Netherlands,
His Majesty the Emperor of the Ottomans,
Étienne Carathéodory Efendi, High Dignitary of His Empire, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;
His Highness the Sultan of Zanzibar,
Sir John Kirk, and
Mr. William Göehring;
Who, being furnished with full powers, which have been found to be in good and due form, have adopted the following provisions:

Chapter I. *Slave-trade countries.—Measures to be taken in the places of origin.*

Article I.

The powers declare that the most effective means of counteracting the slave-trade in the interior of Africa are the following:

1. Progressive organization of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

2. The gradual establishment in the interior, by the powers to which the territories are subject, of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave hunting.

3. The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such of the upper courses of the rivers and streams as are broken by rapids and cataracts, with a view to substituting economical and rapid means of transportation for the present system of carriage by men.

4. Establishment of steam-boats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

5. Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centres.

6. Organization of expeditions and flying columns, to keep up the communication of the stations with each other and with the coast to support repressive action, and to insure the security of high roads.

7. Restriction of the importation of fire-arms, at least of those of modern pattern, and of ammunition throughout the entire extent of the territory in which the slave-trade is carried on.

Article II.

The stations, the inland cruisers organized by each power in its waters, and the posts which serve as ports of register for them shall, independently of their principal task, which is to prevent the capture of slaves and intercept the routes of the slave trade, have the following subsidiary duties:

1. To support and, if necessary, to serve as a refuge for the native population, whether placed under the sovereignty or the protectorate of the State to which the station is subject, or independent, and temporarily for all other natives in case of imminent danger; to place the population of the first of these categories in a position to co-operate for their own defense; to diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism, and human sacrifices.

2. To give aid and protection to commercial enterprises; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centres of cultivation and of commercial settlements.

3. To protect, without distinction of creed, the missions which are already or that may hereafter be established.

4. To provide for the sanitary service and to extend hospitality and help to explorers and to all who take part in Africa in the work of repressing the slave-trade.

Article III.

The powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations, and engage to proceed gradually, as circumstances may permit, either by the means above indicated, or by any other means that they may consider suitable, with the repression of the slave-trade, each State in its respective possessions and under its own direction. Whenever they consider it possible, they shall lend their good offices to such powers as, with a purely humanitarian object, may be engaged in Africa in the fulfillment of a similar mission.

Article IV.

The States exercising sovereign powers or protectorates in Africa may in all cases delegate to companies provided with charters all or a portion of the engagements which they assume in virtue of Article III. They remain, nevertheless, directly responsible for the engagements which they contract by the present act, and guarantee the execution thereof. The powers promise to encourage, aid and protect such national associations and enterprises due to private initiative as may wish to co-operate in their possessions in the repression of the

slave-trade, subject to their receiving previous authorization, such authorization being revokable at any time, subject also to their being directed and controlled, and to the exclusion of the exercise of rights of sovereignty.

ARTICLE V.

The contracting powers pledge themselves, unless this has already been provided for by laws in accordance with the spirit of the present article, to enact or propose to their respective legislative bodies, in the course of one year at the latest from the date of the signing of the present general act, a law rendering applicable, on the one hand, the provisions of their penal laws concerning grave offenses against the person, to the organizers and abettors of slave-hunting, to those guilty of mutilating male adults and children, and to all persons taking part in the capture of slaves by violence; and, on the other hand, the provisions relating to offenses against individual liberty, to carriers and transporters of, and to dealers in, slaves.

The accessories and accomplices of the different categories of slave captors and dealers above specified shall be punished with penalties proportionate to those incurred by the principals.

Guilty persons who may have escaped from the jurisdiction of the authorities of the country where the crimes or offenses have been committed shall be arrested either on communication of the incriminating evidence by the authorities who have ascertained the violation of the law, or on production of any other proof of guilt by the power in whose territory they may have been discovered, and shall be kept, without other formality, at the disposal of the tribunals competent to try them.

The powers shall communicate to one another, with the least possible delay, the laws or decrees existing or promulgated in execution of the present Article.

ARTICLE VI.

Slaves liberated in consequence of the stoppage or dispersion of a convoy in the interior of the continent, shall be sent back, if circumstances permit, to their country of origin; if not, the local authorities shall facilitate, as much as possible, their means of living, and if they desire it, help them to settle on the spot.

ARTICLE VII.

Any fugitive slave claiming, on the continent, the protection of the signatory powers, shall receive it, and shall be received in the camps and stations officially established by said powers, or on board of the vessels of the State plying on the lakes and rivers. Private stations and boats are only permitted to exercise the right of asylum subject to the previous consent of the State.

ARTICLE VIII.

The experience of all nations that have intercourse with Africa having shown the pernicious and preponderating part played by fire-arms in operations connected with the slave-trade as well as internal

wars between the native tribes; and this same experience having clearly proved that the preservation of the African population whose existence it is the express wish of the powers to protect, is a radical impossibility, if measures restricting the trade in fire-arms and ammunition are not adopted, the powers decide, so far as the present state of their frontiers permits, that the importation of fire-arms, and especially of rifles and improved weapons, as well as of powder, ball and cartridges, is, except in the cases and under the conditions provided for in the following Article, prohibited in the territories comprised between the 20th parallel of North latitude and the 22d parallel of South latitude, and extending westward to the Atlantic Ocean and east ward to the Indian Ocean and its dependencies, including the islands adjacent to the coast within 100 nautical miles from the shore.

ARTICLE IX.

The introduction of fire-arms and ammunition, when there shall be occasion to authorize it in the possessions of the signatory powers that exercise rights of sovereignty or of protectorate in Africa, shall be regulated, unless identical or stricter regulations have already been enforced, in the following manner in the zone defined in Article VIII:

All imported fire-arms shall be deposited, at the cost, risk and peril of the importers, in a public warehouse under the supervision of the State government. No withdrawal of fire-arms or imported ammunition shall take place from such warehouses without the previous authorization of the said government. This authorization shall, except in the cases hereinafter specified, be refused for the withdrawal of all arms for accurate firing, such as rifles, magazine guns, or breech-loaders, whether whole or in detached pieces, their cartridges, caps, or other ammunition intended for them.

In seaports and under conditions affording the needful guarantees, the respective governments may permit private warehouses, but only for ordinary powder and for flint-lock muskets, and to the exclusion of improved arms and ammunition therefor.

Independently of the measures directly taken by governments for the arming of the public force and the organization of their defence, individual exceptions may be allowed in the case of persons furnishing sufficient guarantees that the weapon and ammunition delivered to them shall not be given, assigned or sold to third parties, and for travelers provided with a declaration of their government stating that the weapon and ammunition are intended for their personal defence exclusively.

All arms, in the cases provided for in the preceding paragraph, shall be registered and marked by the supervising authorities, who shall deliver to the persons in question permits to bear arms, stating the name of the bearer and showing the stamp with which the weapon is marked. These permits shall be revocable in case proof is furnished that they have been improperly used, and shall be issued for five years only, but may be renewed.

The above rule as to warehousing shall also apply to gunpowder.

Only flint-lock guns, with unrifled barrels, and common gunpowder known as trade powder, may be withdrawn from the warehouses for sale. At each withdrawal of arms and ammunition of this kind for

sale, the local authorities shall determine the regions in which such arms and ammunition may be sold. The regions in which the slave-trade is carried on shall always be excluded. Persons authorized to take arms or powder out of the public warehouses, shall present to the State government, every six months, detailed lists indicating the destinations of the arms and powder sold, as well as the quantities still remaining in the warehouses.

ARTICLE X.

The Governments shall take all such measures as they may deem necessary to insure as complete a fulfilment as possible of the provisions respecting the importation, sale and transportation of fire-arms and ammunition, as well as to prevent either the entry or exit thereof via their inland frontiers, or the passage thereof to regions where the slave-trade is rife.

The authorization of transit within the limits of the zone specified in Article VIII shall not be withheld when the arms and ammunition are to pass across the territory of the signatory or adherent power occupying the coast, towards inland territories under the sovereignty or protectorate of another signatory or adherent power, unless this latter power have direct access to the sea through its own territory. If this access be wholly interrupted, the authorization of transit can not be withheld. Any application for transit must be accompanied by a declaration emanating from the government of the power having the inland possessions, and certifying that the said arms and ammunition are not intended for sale, but are for the use of the authorities of such power, or of the military forces necessary for the protection of the missionary or commercial stations, or of persons mentioned by name in the declaration. Nevertheless, the territorial power of the coast retains the right to stop, exceptionally and provisionally, the transit of improved arms and ammunition across its territory, if, in consequence of inland disturbances or other serious danger, there is ground for fearing lest the despatch of arms and ammunition may compromise its own safety.

ARTICLE XI.

The powers shall communicate to one another information relating to the traffic in fire-arms and ammunition, the permits granted, and the measures of repression in force in their respective territories.

ARTICLE XII.

The powers engage to adopt or to propose to their respective legislative bodies the measures necessary everywhere to secure the punishment of infringers of the prohibitions contained in Articles VIII and IX, and that of their accomplices, besides the seizure and confiscation of the prohibited arms and ammunition, either by fine or imprisonment, or by both of these penalties, in proportion to the importance of the infraction and in accordance with the gravity of each case.

ARTICLE XIII.

The signatory powers that have possessions in Africa in contact with the zone specified in Article VIII, bind themselves to take the

necessary measures for preventing the introduction of fire-arms and ammunition across their inland frontiers into the regions of said zone, at least that of improved arms and cartridges.

Article XIV.

The system stipulated in Articles VIII to XIII, shall remain in force for twelve years. In case none of the contracting parties shall have given notice twelve months before the expiration of this period, of its intention to put an end to it, or shall have demanded its revision, it shall remain obligatory for two years longer, and shall thus continue in force from two years to two years.

Chapter II. *Caravan Routes and Transportation of Slaves by land.*

Article XV.

Independently of the repressive or protective action which they exercise in the centres of the slave-trade, it shall be the duty of the stations, cruisers and posts, whose establishment is provided for in Article II, and of all other stations established or recognized by Article IV, by each government in its possessions, to watch, so far as circumstances shall permit, and in proportion to the progress of their administrative organization, the roads traveled in their territory by slave-dealers, to stop convoys on their march, or to pursue them wherever their action can be legally exercised.

Article XVI.

In the regions of the coasts known to serve habitually as places of passage or terminal points for slave-traffic coming from the interior, as well as at the points of intersection of the principal caravan routes crossing the zone contiguous to the coast already subject to the control of the sovereign or protective powers, posts shall be established under the conditions and with the reservations mentioned in Article III, by the authorities to which the territories are subject, for the purpose of intercepting the convoys and liberating the slaves.

Article XVII.

A strict watch shall be organized by the local authorities at the ports and places near the coast, with a view to preventing the sale and shipment of slaves brought from the interior, as well as the formation and departure landwards of bands of slave-hunters and dealers.

Caravans arriving at the coast or in its vicinity, as well as those arriving in the interior at a locality occupied by the territorial power, shall, on their arrival, be subjected to a minute inspection as to the persons composing them. Any such person being ascertained to have been captured or carried off by force, or mutilated, either in his native place or on the way, shall be set free.

Article XVIII.

In the possessions of each of the contracting powers, it shall be the duty of the government to protect liberated slaves, to return them, if

possible, to their country, to procure means of subsistence for them, and, in particular, to take charge of the education and subsequent employement of abandoned children.

Article XIX.

The penal arrangements provided for by Article V shall be applicable to all offences committed in the course of operations connected with the transportation of and traffic in slaves on land whenever such offences may be ascertained to have been committed.

Any person having incurred a penalty in consequence of an offence provided for by the present general act, shall incur the obligation of furnishing security before being able to engage in any commercial transaction in countries where the slave-trade is carried on.

Chapter III. *Repression of the Slave-trade by Sea.*

Section I. *General provisions.*

Article XX.

The signatory powers recognize the desirability of taking steps in common for the more effective repression of the slave-trade in the maritime zone in which it still exists.

Article XXI.

This zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included), from Beloochistan to Cape Tangalane (Quilimane); and, on the other hand, a conventional line which first follows the meridian from Tangalane till it intersects the 26th degree of South latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping 20 miles off the east and north shore, till it intersects the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line, which extends to the coast of Beloochistan, passing 20 miles off Cape Ras-el-Had.

Article XXII.

The signatory powers of the present general act,—among whom exist special conventions for the suppression of the slave-trade, have agreed to restrict the clauses of those conventions concerning the reciprocal right of visit, of search and of seizure of vessels at sea, to the above mentioned zone.

Article XXIII.

The same powers also agree to limit the above mentioned right to vessels whose tonnage is less than 500 tons. This stipulation shall be revised as soon as experience shall have shown the necessity thereof.

ARTICLE XXIV.

All other provisions of the conventions concluded for the suppression of the slave-trade between the aforesaid powers shall remain in force provided they are not modified by the present general act.

ARTICLE XXV.

The signatory powers engage to adopt efficient measures to prevent the unlawful use of their flag, and to prevent the transportation of slaves on vessels authorized to fly their colors.

ARTICLE XXVI.

The signatory powers engage to adopt all measures necessary to facilitate the speedy exchange of information calculated to lead to the discovery of persons taking part in operations connected with the slave-trade.

ARTICLE XXVII.

At least one international bureau shall be created; it shall be established at Zanzibar. The high contracting parties engage to forward to it all the document specified in Article XLI, as well as all information of any kind likely to assist in the suppression of the slave-trade.

ARTICLE XXVIII.

Any slave who has taken refuge on board a ship of war bearing the flag of one of the signatory powers, shall be immediately and definitively set free. Such freedom, however, shall not withdraw him from the competent jurisdiction if he has been guilty of any crime or offense at common law.

ARTICLE XXIX.

Any slave detained against his will on board of a native vessel shall have the right to demand his liberty. His release may be ordered by any agent of any of the signatory powers on whom the present general act confers the right of ascertaining the status of persons on board of such vessels, although such release shall not withdraw him from the competent jurisdiction if he has committed any crime or offense at common law.

SECTION II.—*Regulation concerning the use of the flag and supervision by cruisers.*

1. Rules for granting the flag to native vessels, and as to crew lists and manifests of black passengers on board.

ARTICLE XXX.

The signatory powers engage to exercise a strict surveillance over native vessels authorized to carry their flag in the zone mentioned in Article XXI, and over the commercial operations carried on by such vessels.

ARTICLE XXXI.

The term "native vessel" applies to vessels fulfilling one of the following conditions:

1. It shall present the outward appearance of native build or rigging.

2. It shall be manned by a crew of whom the captain and a majority of the seamen belong by origin to one of the countries on the coast of the Indian Ocean, the Red Sea, or the Persian Gulf.

ARTICLE XXXII.

The authorization to carry the flag of one of the said powers shall in future be granted only to such native vessels as shall satisfy at the same time the three following conditions:

1. Fitters-out or owners of ships must be either subjects of or persons protected by the power whose flag they ask to carry.

2. They shall be obliged to prove that they possess real estate situated in the district of the authority to whom their application is addressed, or to furnish *bona fide* security as a guaranty of the payment of such fines as may be incurred.

3. The above-named fitters-out or owners of ships, as well as the captain of the vessel, shall prove that they enjoy a good reputation, and that in particular they have never been sentenced to punishment for acts connected with the slave-trade.

ARTICLE XXXIII.

This authorization granted shall be renewed every year. It may at any time be suspended or withdrawn by the authorities of the power whose colors the vessel carries.

ARTICLE XXXIV.

The act of authorization shall contain the statements necessary to establish the identity of the vessel. The captain shall have the keeping thereof. The name of the native vessel and the amount of its tonnage shall be cut and painted in Latin characters on the stern, and the initial or initials of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be printed in black on the sails.

ARTICLE XXXV.

A list of the crew shall be issued to the captain of the vessel at the port of departure by the authorities of the power whose colors it carries. It shall be renewed at every fresh venture of the vessel, or, at the latest, at the end of a year, and in accordance with the following provisions:

1. The vessel shall be visaed at the departure of the vessel by the authority that has issued it.

2. No negro can be engaged as a seaman on a vessel without having previously been questioned by the authority of the power whose colors it carries, or, in default thereof, by the territorial authority,

with a view to ascertaining the fact of his having contracted a free engagement.

3. This authority shall see that the proportion of seamen and boys is not out of proportion to the tonnage or rigging.

4. The authorities who shall have questioned the men before their departure shall enter them on the list of the crew in which they shall be mentioned with a summary description of each of them alongside his name.

5. In order the more effectively to prevent any substitution, the seamen may, moreover, be provided with a distinctive mark.

Article XXXVI.

When the captain of a vessel shall desire to take negro passengers on board, he shall make his declaration to that effect to the authority of the power whose colors he carries, or in default thereof, to the territorial authority. The passengers shall be questioned, and after it has been ascertained that they embarked of their own free will, they shall be entered in a special manifest, bearing the description of each of them alongside of his name, and specially sex and height. Negro children shall not be taken as passengers unless they are accompanied by their relations, or by persons whose respectability is well known. At the departure, the passenger roll shall be visaed by the aforesaid authority after it has been called. If there are no passengers on board, this shall be specially mentioned in the crew-list.

Article XXXVII.

At the arrival at any port of call or of destination, the captain of the vessel shall show to the authority of the power whose flag he carries, or, in default thereof, to the territorial authority, the crew-list, and, if need be, the passenger-roll previously delivered. The authority shall check the passengers who have reached their destination or who are stopping in a port of call, and shall mention their landing in the roll. At the departure of the vessel, the same authority shall affix a fresh *visé* to the list and roll, and call the roll of the passengers.

Article XXXVIII.

On the African coast and on the adjacent islands, no negro passengers shall be taken on board of a native vessel, except in localities where there is a resident authority belonging to one of the signatory powers.

Throughout the extent of the zone mentioned in Article XXI, no negro passenger shall be landed from a native vessel except at a place in which there is a resident officer belonging to one of the high contracting powers, and unless such officer is present at the landing.

Cases of *vis major* that may have caused an infraction of these provisions shall be examined by the authority of the power whose colors the vessel carries, or, in default thereof, by the territorial authority of the port at which the vessel in question calls.

Article XXXIX.

The provisions of Articles XXXV, XXXVI, XXXVII, and XXXVIII are not applicable to vessels only partially decked, having a crew not exceeding ten men, and fulfilling one of the two following conditions:

1. That it be exclusively used for fishing within the territorial waters.

2. That it be occupied in the petty coasting trade between the different ports of the same territorial power, without going further than 5 miles from the coast.

These different boats shall receive, as the case may be, a special license from the territorial or consular authority, which shall be renewed every year, and subject to revocation as provided in Article XL, the uniform model of which license is annexed to the present general act and shall be communicated to the international information office.

Article XL.

Any act or attempted act connected with the slave-trade that can be legally shown to have been committed by the captain, fitter-out, or owner of a ship authorized to carry the flag of one of the signatory powers, or having procured the license provided for in Article XXXIX, shall entail the immediate withdrawal of the said authorization or license. All violations of the provisions of Section 2 of Chapter III shall render the person guilty thereof liable to the penalties provided by the special laws and ordinances of each of the contracting parties.

Article XLI.

The signatory powers engage to deposit at the international information office the specimen forms of the following documents:

1. License to carry the flag;
2. The crew-list;
3. The negro passenger list.

These documents, the tenor of which may vary according to the different regulations of each country, shall necessarily contain the following particulars, drawn up in one of the European languages:

1. As regards the authorization to carry the flag:
   (*a*) The name, tonnage, rig, and the principal dimensions of the vessel;
   (*b*) The register number and the signal letter of the port of registry;
   (*c*) The date of obtaining the license, and the office held by the person who issued it.
2. As regards the list of the crew:
   (*a*) The name of the vessel, of the captain and the fitter-out or owner;
   (*b*) The tonnage of the vessel;
   (*c*) The register number and the port of registry, its destination, as well as the particulars specified in Article XXV.

3. As regards the list of negro passengers:

The name of the vessel which conveys them, and the particulars indicated in Article XXXVI, for the proper identification of the passengers.

The signatory powers shall take the necessary measures so that the territorial authorities or their consuls may send to the same office certified copies of all authorizations to carry their flag as soon as such authorizations shall have been granted, as well as notices of the withdrawal of any such authorization.

The provisions of the present article have reference only to papers intended for native vessels.

2. The stopping of suspected vessels.

ARTICLE XLII.

When the officers in command of war-vessels of any of the signatory powers have reason to believe that a vessel whose tonnage is less than 500 tons, and which is found navigating in the above-named zone, is engaged in the slave-trade or is guilty of the fraudulent use of a flag, they may examine the ship's papers.

The present article does not imply any change in the present state of things as regards jurisdiction in territorial waters.

ARTICLE XLIII.

To this end, a boat commanded by a naval officer in uniform may be sent to board the suspected vessel after it has been hailed and informed of this intention.

The officers sent on board of the vessel which has been stopped shall act with all possible consideration and moderation.

ARTICLE XLIV.

The examination of the ship's papers shall consist of the examination of the following documents:

1. As regards native vessels, the papers mentioned in Article XLI.

2. As regards other vessels, the documents required by the different treaties or conventions that are in force.

The examination of the ship's papers only authorizes the calling of the roll of the crew and passengers in the cases and in accordance with the conditions provided for in the following article.

ARTICLE XLV.

The examination of the cargo or the search can only take place in the case of vessels sailing under the flag of one of the powers that have concluded, or may hereafter conclude the special conventions provided for in Article XXII, and in accordance with the provisions of such conventions.

ARTICLE XLVI.

Before leaving the detained vessel, the officer shall draw up a minute according to the forms and in the language in use in the country to which he belongs.

This minute shall be dated and signed by the officer, and shall recite the facts.

The captain of the detained vessel, as well as the witnesses, shall have the right to cause to be added to the minutes any explanations they may think expedient.

ARTICLE XLVII.

The commander of a man-of-war who has detained a vessel under a foreign flag shall, in all cases, make a report thereof to his own government, and state the grounds upon which he has acted.

ARTICLE XLVIII.

A summary of this report, as well as a copy of the minute drawn up by the officer on board of the detained vessel, shall be sent, as soon as possible, to the international information office, which shall communicate the same to the nearest consular or territorial authority of the power whose flag the vessel in question has shown. Duplicates of these documents shall be kept in the archives of the bureau.

ARTICLE XLIX.

If, in performing the acts of supervision mentioned in the preceding articles, the officer in command of the cruiser is convinced that an act connected with the slave-trade has been committed on board during the passage, or that irrefutable proofs exist against the captain, or fitter-out, for accusing him of fraudulent use of the flag, or fraud, or participation in the slave-trade, he shall conduct the arrested vessel to the nearest port of the zone where there is a competent magistrate of the power whose flag has been used.

Each signatory power engages to appoint in the zone, and to make known to the international information office, the territorial or consular authorities or special delegates who are competent in the above-mentioned cases.

A suspected vessel may also be turned over to a cruiser of its own nation, if the latter consents to take charge of it.

3. Of the examination and trial of vessels seized.

ARTICLE L.

The magistrate referred to in the preceding article, to whom the arrested vessel has been turned over, shall proceed to make a full investigation, according to the laws and rules of his country, in the presence of an officer belonging to the foreign cruiser.

ARTICLE LI.

If it is proved by the inquiry that the flag has been fraudulently used, the arrested vessel shall remain at the disposal of its captor.

ARTICLE LII.

If the examination shows an act connected with the slave-trade, proved by the presence on board of slaves destined for sale, or any

other offense connected with the slave-trade for which provision is made by special convention, the vessel and cargo shall remain sequestrated in charge of the magistrate who shall have conducted the inquiry.

The captain and crew shall be turned over to the tribunals designated by Articles LIV and LVI. The slaves shall be set at liberty as soon as judgment has been pronounced.

In the cases provided for by this article, liberated slaves shall be disposed of in accordance with the special conventions concluded, or to be concluded, between the signatory powers. In default of such conventions, the said slaves shall be turned over to the local authority, to be sent back, if possible, to their country of origin; if not, this authority shall facilitate to them, in so far as may be in its power, the means of livelihood, and, if they desire it, of settling on the spot.

Article LIII.

If it shall be proved by the inquiry that the vessel has been illegally arrested, there shall be clear title to an indemnity in proportion to the damages suffered by the vessel being taken out of its course.

The amount of this indemnity shall be fixed by the authority that has conducted the inquiry.

Article LIV.

In case the officer of the capturing vessel does not accept the conclusions of the inquiry held in his presence, the matter shall be turned over to the tribunal of the nation whose flag the captured vessel has borne.

No exception shall be made to this rule, unless the disagreement arises in respect of the amount of the indemnity stipulated in Article LIII, and this shall be fixed by arbitration, as specified in the following article.

Article LV.

The capturing officer and the authority which has conducted the inquiry shall each appoint a referee within forty-eight hours, and the two arbitrators shall have twenty-four hours to choose an umpire. The arbitrators shall, as far as possible, be chosen from among the diplomatic, consular, or judicial officers of the signatory powers. Natives in the pay of the contracting Governments are formally excluded. The decision shall be by a majority of votes, and be considered as final.

If the court of arbitration is not constituted in the time indicated, the procedure in respect of the indemnity, as in that of damages, shall be in accordance with the provisions of Article LVIII, paragraph 2.

Article LVI.

The cases shall be brought with the least possible delay before the tribunal of the nation whose flag has been used by the accused. However, the consuls or any other authority of the same nation as the accused, specially commissioned to this end, may be authorized by their Government to pronounce judgment instead of the tribunal.

Article LVII.

The procedure and trial of violations of the provisions of Chapter III shall always be conducted in as summary a manner as is permitted by the laws and regulations in force in the territories subject to the authority of the signatory powers.

Article LVIII.

Any decision of the national tribunal or authorities referred to in Article LVI, declaring that the seized vessel did not carry on the slave-trade, shall be immediately enforced, and the vessel shall be at perfect liberty to continue on its course.

In this case, the captain or owner of any vessel that has been seized without legitimate ground of suspicion, or subjected to annoyance, shall have the right of claiming damages, the amount of which shall be fixed by agreement between the Governments directly interested, or by arbitration, and shall be paid within a period of six months from the date of the judgment acquitting the captured vessel.

Article LIX.

In case of condemnation, the sequestered vessel shall be declared lawfully seized for the benefit of the captor.

The captain, crew, and all other persons found guilty shall be punished according to the gravity of the crimes or offenses committed by them, and in accordance with Article V.

Article LX.

The provisions of Articles L to LIX do not in any way affect the jurisdiction or procedure of existing special tribunals, or of such as may hereafter be formed to take cognizance of offenses connected with the slave-trade.

Article LXI.

The high contracting parties engage to make known to one another, reciprocally, the instructions which they shall give, for the execution of the provisions of Chapter III, to the commanders of their men-of-war navigating the seas of the zone referred to.

Chapter IV. *Countries to which slaves are sent, whose institutions recognize the existence of domestic slavery.*

Article LXII.

The contracting powers whose institutions recognize the existence of domestic slavery, and whose possessions, in consequence thereof, in or out of Africa, serve, in spite of the vigilance of the authorities, as places of destination for African slaves, pledge themselves to prohibit their importation, transit and departure, as well as the trade in slaves. The most active and the strictest supervision shall be enforced at all places where the arrival, transit, and departure of African slaves take place.

ARTICLE LXIII.

Slaves set free under the provisions of the preceding article shall, if circumstances permit, be sent back to the country from whence they came. In all cases they shall receive letters of liberation from the competent authorities, and shall be entitled to their protection and assistance for the purpose of obtaining means of subsistence.

ARTICLE LXIV.

Any fugitive slave arriving at the frontier of any of the powers mentioned in Article LXII shall be considered free, and shall have the right to claim letters of release from the competent authorities.

ARTICLE LXV.

Any sale or transaction to which the slaves referred to in Articles LXIII and LXIV may have been subjected through circumstances of any kind whatsoever, shall be considered as null and void.

ARTICLE LXVI.

Native vessels carrying the flag of one of the countries mentioned in Article LXII, if there is any indication that they are employed in operations connected with the slave-trade, shall be subjected by the local authorities in the ports frequented by them to a strict examination of their crews and passengers both on arrival and departure. If African slaves are found on board, judicial proceedings shall be instituted against the vessel and against all persons who may be implicated. Slaves found on board shall receive letters of release through the authorities who have seized the vessels.

ARTICLE LXVII.

Penal provisions similar to those provided for by Article V shall be enacted against persons importing, transporting, and trading in African slaves, against the mutilators of male children or adults, and those who traffic in them, as well as against their associates and accomplices.

ARTICLE LXVIII.

The signatory powers recognize the great importance of the law respecting the prohibition of the slave-trade sanctioned by His Majesty the Emperor of the Ottomans on the 4th (16th) of December, 1889 (22 Rebi-ul-Akhir, 1307), and they are assured that an active surveillance will be organized by the Ottoman authorities, especially on the west coast of Arabia and on the routes which place that coast in communication with the other possessions of His Imperial Majesty in Asia.

ARTICLE LXIX.

His Majesty the Shah of Persia consents to organize an active surveillance in the territorial waters and those off the coast of the Per-

sian Gulf and Gulf of Oman which are under his sovereignty, and on the inland routes which serve for the transportation of slaves. The magistrates and other authorities shall, to this effect, receive the necessary powers.

Article LXX.

His Highness the Sultan of Zanzibar consents to give his most effective support to the repression of crimes and offences committed by African slave-traders on land as well as at sea. The tribunals created for this purpose in the Sultanate of Zanzibar shall rigorously enforce the penal provisions mentioned in Article V. In order to render more secure the freedom of liberated slaves, both in virtue of the provisions of the present general act and of the decrees adopted in this matter by His Highness and his predecessors, a liberation office shall be established at Zanzibar.

Article LXXI.

The diplomatic and consular agents and the naval officers of the contracting powers shall, within the limits of existing conventions, give their assistance to the local authorities in order to assist in repressing the slave-trade where it still exists. They shall be entitled to be present at trials for slave-trading brought about at their instance, without, however, being entitled, to take part in the deliberations.

Article LXXII.

Liberation offices, or institutions in lieu thereof, shall be organized by the governments of the countries to which African slaves are sent, for the purposes specified by Article XVIII.

Article LXXIII.

The signatory powers having undertaken to communicate to one another all information useful for the repression of the slave-trade, the Governments whom the present chapter concerns shall periodically exchange with the other Governments statistical data relating to slaves intercepted and liberated, and to the legislative and administrative measures which have been taken for suppressing the slave-trade.

Chapter V. *Institutions intended to insure the execution of the general act.*

Section I. *Of the international maritime office.*

Article LXXIV.

In accordance with the provisions of Article XXVII, an international office shall be instituted at Zanzibar, in which each of the signatory powers may be represented by a delegate.

Article LXXV.

The office shall be constituted as soon as three powers have appointed their representatives.

It shall draw up regulations fixing the manner of exercising its functions. These regulations shall immediately be submitted to the approval of such signatory powers as shall have signified their intention of being represented in this office. They shall decide in this respect within the shortest possible time.

Article LXXVI.

The expenses of this institution shall be divided in equal parts among the signatory powers mentioned in the preceding article.

Article LXXVII.

The object of the office at Zanzibar shall be to centralize all documents and information of a nature to facilitate the repression of the slave-trade in the maritime zone. For this purpose the signatory powers engage to forward within the shortest time possible:

1. The documents specified in Article XLI;
2. Summaries of the reports and copies of the minutes referred to in Article XLVIII;
3. The list of the territorial or consular authorities and special delegates competent to take action as regards vessels seized according to the terms of Article XLIX;
4. Copies of judgments and condemnations in accordance with Article LVIII;
5. All information that may lead to the discovery of persons engaged in the slave-trade in the above-mentioned zone.

Article LXXVIII.

The archives of the office shall always be open to the naval officers of the signatory powers authorized to act within the limits of the zone defined by Article XXI, as well as to the territorial or judicial authorities, and to consuls specially designated by their Governments.

The office shall supply to foreign officers and agents authorized to consult its archives, translations into a European language of documents written in an oriental langage.

It shall make the communications provided for in Article XLVIII.

Article LXXIX.

Auxiliary offices in communication with the office at Zanzibar may be established in certain parts of the zone, in pursuance of a previous agreement between the interested powers.

They shall be composed of delegates of these powers, and established in accordance with Articles LXXV, LXXVI, and LXXVIII.

The documents and information specified in Article LXXVII, so far as they may relate to a part of the zone specially concerned, shall be sent to them directly by the territorial and consular authorities

of the region in question, but this shall not exempt the latter from the duty of communicating the same to the office at Zanzibar, as provided by the same article.

Article LXXX.

The office at Zanzibar shall prepare in the first two months of every year, a report of its own operations and of those of the auxiliary offices, during the past twelve months.

Section II. *Of the exchange between the Governments of documents and information relating to the slave-trade.*

Article LXXXI.

The powers shall communicate to one another, to the fullest extent and with the least delay that they shall consider possible:

1. The text of the laws and administrative regulations, existing or enacted by application of the clauses of the present general act;
2. Statistical information concerning the slave-trade, slaves arrested and liberated, and the traffic in fire-arms, ammunition, and alcoholic liquors.

Article LXXXII.

The exchange of these documents and information shall be centralized in a special office attached to the foreign office at Brussels.

Article LXXXIII.

The office at Zanzibar shall forward to it every year the report mentioned in Article LXXX, concerning its operations during the past year, and concerning those of the auxiliary offices that may have been established in accordance with Article LXXIX.

Article LXXXIV.

The documents and information shall be collected and published periodically, and addressed to all the signatory powers. This publication shall be accompanied every year by an analytical table of the legislative, administrative, and statistical documents mentioned in Articles LXXXI and LXXXIII.

Article LXXXV.

The office expenses as well as those incurred in correspondence, translation, and printing, shall be shared by all the signatory powers, and shall be collected through the agency of the department of the foreign office at Brussels.

Section III. *Of the protection of liberated slaves.*

Article LXXXVI.

The signatory powers having recognized the duty of protecting liberated slaves in their respective possessions, engage to establish, if they do not already exist, in the ports of the zone determined by

Article XXI, and in such parts of their said possessions as may be places for the capture, passage and arrival of African slaves, such offices and institutions as may be deemed sufficient by them, whose business shall specially consist in liberating and protecting them in accordance with the provisions of Articles VI, XVIII, LII, LXIII, and LXVI.

Article LXXXVII.

The liberation offices or the authorities charged with this service shall deliver letters of release and shall keep a register thereof.

In case of the denunciation of an act connected with the slave-trade, or one of illegal detention, or on application of the slaves themselves, the said offices or authorities shall exercise all necessary diligence to insure the release of the slaves and the punishment of the offenders.

The delivery of letters of release shall in no case be delayed, if the slave be accused of a crime or offence against the common law. But after the delivery of the said letters an investigation shall be proceeded with in the form established by the ordinary procedure.

Article LXXXVIII.

The signatory powers shall favor, in their possessions, the foundation of establishments of refuge for women and of education for liberated children.

Article LXXXIX.

Freed slaves may always apply to the offices for protection in the enjoyment of their freedom.

Whoever shall have used fraudulent or violent means to deprive a freed slave of his letters of release or of his liberty, shall be considered as a slave-dealer.

Chapter VI. *Measures to restrict the traffic in spirituous liquors.*

Article XC.

Being justly anxious concerning the moral and material consequences to which the abuse of spiritous liquors subjects the native population, the signatory powers have agreed to enforce the provisions of Articles XCI, XCII and XCIII within a zone extending from the 20th degree of North latitude to the 22d degree of South latitude, and bounded on the west by the Atlantic Ocean and on the east by the Indian Ocean and its dependencies, including the islands adjacent to the mainland within 100 nautical miles from the coast.

Article XCI.

In the districts of this zone where it shall be ascertained that, either on account of religious belief or from some other causes, the use of distilled liquors does not exist or has not been developed, the powers shall prohibit their importation. The manufacture of distilled liquors shall be likewise prohibited there.

Each power shall determine the limits of the zone of prohibition of alcoholic liquors in its possessions or protectorates, and shall be bound to make known the limits thereof to the other powers within the space of six months.

The above prohibition can only be suspended in the case of limited quantities intended for the consumption of the non-native population and imported under the regime and conditions determined by each Government.

Article XCII.

The powers having possessions or exercising protectorates in those regions of the zone which are not subjected to the regime of the prohibition, and into which alcoholic liquors are at present either freely imported or pay an import duty of less than 15 francs per hectolitre at 50 degrees centigrade, engage to levy on such alcoholic liquors an import duty of 15 francs per hectolitre at 50 degrees centigrade, for three years after the present general act comes into force. At the expiration of this period the duty may be increased to 25 francs during a fresh period of three years. At the end of the sixth year it shall be submitted to revision, the average results produced by these tariffs being taken as a basis, for the purpose of then fixing, if possible, a minimum duty throughout the whole extent of the zone where the prohibition referred to in Article XCI is not in force.

The powers retain the right of maintaining and increasing the duties beyond the minimum fixed by the present article in those regions where they already possess that right.

Article XCIII.

Distilled liquors manufactured in the regions referred to in Article XCII, and intended for inland consumption, shall be subject to an excise duty.

This excise duty, the collection of which the powers engage to secure, as far as possible, shall not be less than the minimum import duty fixed by Article XCII.

Article XCIV.

The signatory powers having possessions in Africa contiguous to the zone specified in Article XC engage to adopt the necessary measures for preventing the introduction of spirituous liquors within the territories of the said zone via their inland frontiers.

Article XCV.

The powers shall communicate to one another, through the office at Brussels, and according to the terms of Chapter V, information relating to the traffic in alcoholic liquors within their respective territories.

CHAPTER VII. *Final provisions.*

ARTICLE XCVI.

The present general act repeals all contrary stipulations of conventions previously concluded between the signatory powers.

ARTICLE XCVII.

The signatory powers, without prejudice to the stipulations contained in Articles XIV, XXIII and XCII, reserve the right of introducing into the present general act, hereafter and by common censent, such modifications or improvements as experience may prove to be useful.

ARTICLE XCVIII.

Powers who have not signed the present general act shall be allowed to adhere to it.

The signatory powers reserve the right to impose such conditions as they may deem necessary to their adhesion.

If no conditions shall be stipulated, adhesion implies acceptance of all the obligations and admission to all the advantages stipulated by the present general act.

The powers shall agree among themselves as to the steps to be taken to secure the adhesion of states whose cooperation may be necessary or useful in order to insure complete execution of the general act.

Adhesion shall be effected by a separate act. Notice thereof shall be given through the diplomatic channel to the Government of the King of the Belgians, and by that Government to all the signatory and adherent states.

ARTICLE XCIX.

The present general act shall be ratified within the shortest possible period, which shall not in any case exceed one year.

Each power shall address its ratification to the Government of the King of the Belgians, which shall give notice thereof to all the other powers that have signed the present general act.

The ratifications of all the powers shall remain deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications shall have been furnished, or at the latest one year after the signature of the present general act, their delivery shall be recorded in a protocol which shall be signed by the representatives of all the powers that have ratified.

A certified copy of this protocol shall be forwarded to all the powers interested.

ARTICLE C.

The present general act shall come into force in all the possessions of the contracting powers on the sixtieth day, reckoned from the day on which the protocol provided for in the preceding article shall have been drawn up.

In witness whereof the respective plenipotentiaries have signed the present general act, and have thereto affixed their seals.

Done at Brussels the 2nd day of the month of July, 1890.

[SEAL] EDWIN H. TERRELL.
[SEAL] H. S. SANFORD.
[SEAL] ALVENSLEBEN.
[SEAL] GOEHRING.
[SEAL] R. KHEVENHÜLLER.
[SEAL] LAMBERMONT.
[SEAL] E. BANNING.
[SEAL] SCHACK DE BROCKDORFF.
[SEAL] J. G. DE AGÜERA.
[SEAL] EDM. VAN EETVELDE.
[SEAL] A. VAN MALDEGHEM.
[SEAL] A. BOURÉE.
[SEAL] G. COGORDAN.
[SEAL] VIVIAN.
[SEAL] JOHN KIRK.
[SEAL] F. DE RENZIS.
[SEAL] T. CATALANI.
[SEAL] L. GERICKE.
[SEAL] NAZARE AGA.
[SEAL] HENRIQUE DE MACEDO PEREIRA COUTINHO.
[SEAL] L. OUROUSSOFF.
[SEAL] MARTENS.
[SEAL] BURENSTAM.
[SEAL] ET CARATHÉODORY.
[SEAL] JOHN KIRK.
[SEAL] GOEHRING.

ARTICLE XXXIX.

ANNEX TO THE GENERAL ACT.

License to ply the coasting trade on the East Coast of Africa in conformity with Article XXXIX.

Name of vessel with description of form of build and rig.	Nationality.	Tonnage.	Port of register.	Name of captain.	Number of crew.	Maximum number of passengers.	Limits within which vessel is entitled to ply.	General remarks.

The present license must be renewed on the ———.
Rank of official who has issued the permit: ———.

DRAFT OF PROTOCOL.

The undersigned, ——— met at the Ministry of Foreign Affairs at Brussels, in pursuance of Article XCIX of the General Act of July 2, 1890, and in execution of the Protocol of July 2, 1891, with a view to preparing a certificate of the deposit of the ratifications of such of the signatory powers as were unable to make such deposit at the meeting of July 2, 1891.

His Excellency the Minister of France declared that the President of the Republic, in his ratification of the Brussels General Act had provisionally

reserved, until a subsequent understanding should be reached, Articles XXI, XXII, XXIII, and XLII to LXI. The representatives ———, acknowledged to the Minister of France the deposit of the ratifications of the President of the French Republic, as well as of the exception bearing upon Articles XXI, XXII, XXIII, and XLII to LXI.

It is understood that the powers which have ratified the General Act in its entirety, acknowledge that they are reciprocally bound as regards all its clauses.

It is likewise understood that these powers shall not be bound toward those which shall have ratified it partially, save within the limits of the engagements assumed by the latter powers.

Finally, it is understood that, as regards the powers that have partially ratified, the matters forming the subject of Articles XLII to LXI, shall continue, until a subsequent agreement is adopted, to be governed by the stipulations and arrangements now in force.

In testimony whereof * * *

SENATE RESOLUTION OF RATIFICATION.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
January 11, 1892.

Resolved, (two thirds of the Senators present concurring therein,) That the Senate advise and consent to the ratification of the General Act signed at Brussels, July 2, 1890, by the plenipotentiaries of the United States and other powers, for the suppression of the African Slave-trade, and for other purposes.

Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said General Act on the part of the French Republic, and to the stipulations relative thereto, as set forth in the protocol signed at Brussels, January 2, 1892.

Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that Continent by the other powers, or any approval of the wisdom, expediency or lawfulness thereof, and does not join in any expressions in the said General Act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of the ratifications of this treaty on the part of the Unied States.

Attest:

ANSON G McCOOK
Secretary.
By CHAS W JOHNSON,
Chief Clerk.

DEPOSIT OF THE RATIFICATION BY THE UNITED STATES.

PROTOCOL—TRANSLATION.

February 2nd, 1892, conformably to article XCIX of the General Act of July 2nd, 1890, and to the unanimous decision of the signatory Powers which prorogued to February 2nd, 1892, for the United States the term provided for in the same article XCIX, the undersigned, Envoy Extraordinary and Minister plenipotentiary of the United States of America has deposited in the hands of the Minister of Foreign Affairs of Belgium the ratifications of the President of the United States of the said General Act.

At the request of His Excellency, the following resolution by which the Senate of the United States consented to the ratification of the President has been inserted in the present protocol:

Resolved, (two-thirds of the Senators present concurring therein,)

That the Senate advise and consent to the ratification of the General Act signed at Brussells July 2nd, 1890, by the plenipotentiaries of the United States and other Powers, for the suppression of the African Slave Trade, and for other purposes.

Resolved further, That the Senate advise and consent to the acceptance of the partial ratification of the said General Act on the part of the French Republic and to the stipulations relative thereto, as set forth in the protocol signed at Brussels January 2nd, 1892.

Resolved further, as a part of this act of ratification, That the United States of America, having neither possessions nor protectorates in Africa, hereby disclaims any intention, in ratifying this treaty, to indicate any interest whatsoever in the possessions or protectorates established or claimed on that continent by the other Powers, or any approval of the wisdom, expediency or lawfulness thereof, and does not join in any expressions in the said General Act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the protocol to be drawn up at the time of the exchange of the Ratifications of this treaty on the part of the United States.

This resolution of the Senate of the United States having been preparatively and textually conveyed by the Government of His Majesty the King of the Belgians to the knowledge of all the signatory Powers of the General Act, the latter have given their assent to its insertion in the present Protocol which will remain annexed to the Protocol of January 2nd, 1892.

Acknowledgment of this is given to the Minister of the United States.

The ratification of the President of the United States having been found in good and due form, acknowledgment of their deposit is equally given to His Excellency Mr. Edwin H. Terrell; they will be preserved in the archives of the Ministry of Foreign Affairs of Belgium.

At the moment of proceeding to the signature of the present Protocol, the Minister of Foreign Affairs of His Majesty the King of the Belgians made it known that the Representative of Russia, in the note expressing the assent of his Government, expressed the opinion that it would have been desirable that a translation into the French language accompany in the Protocol the English text of the resolutions of the Senate of the United States of America and that at all events the absence of this translation is not to form a precedent.

A certified copy of the present Protocol will be addressed by the Belgian Government to the Signatory Powers of the General Act.

Done at Brussels, February 2nd., 1892.

The Minister of Foreign Affairs

(S) The Prince de Chimay

The Envoy Extraordinary and Minister plenipotentiary of the United States of America

(S) Edwin H. Terrell.

Copy certified conformable to the original

[seal] The Minister of Foreign Affairs

The Prince de Chimay

1899.[a]

ADHESION OF THE UNITED STATES TO THE CONVENTION SIGNED AT BRUSSELS, JUNE 8, 1899, BY THE PLENIPOTENTIARIES OF CERTAIN POWERS FOR THE REGULATION OF THE IMPORTATION OF SPIRITUOUS LIQUORS INTO CERTAIN REGIONS OF AFRICA.

Concluded June 8, 1899; adhesion advised by Senate December 14, 1900; declaration of adhesion by President February 1, 1901; proclaimed February 6, 1901.

ARTICLES.

I. Import duty.
II. Excise duty.
III. Adhesion of powers.
IV. Ratification.
V. Effect.[b]

[Translation.]

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom; His Majesty the King-Sovereign of the Independent State of the Congo; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the Emperor of All the Russias; his Majesty the King of Sweden and Norway, &c.; and His Majesty the Emperor of the Ottomans;

Wishing to provide for the execution of Article XCII of the General Act of Brussels, which prescribes the revision of the Regulations on the importation of spirituous liquors into certain regions of Africa;

Have resolved to assemble a Conference for the purpose at Brussels, and have named as their Plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia, in the name of the German Empire, M. Frederic-Jean, Count of Alvensleben, his Chamberlain and Privy Councillor, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians; and M. Guillaume Göhring, his Councillor of Legation;

His Majesty the King of the Belgians, M. Auguste, Baron Lambermont, his Minister of State, his Envoy Extraordinary and Minister Plenipotentiary; and M. Auguste van Maldeghem, Councillor of the Court of Cassation of Belgium;

His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom, M. W. Ramirez de Villa-Urrutia, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King-Sovereign of the Independent State of the Congo, M. Paul de Smet de Naeyer, his Minister of State, Member of the Chamber of Representatives of Belgium; and M. Hubert Droogmans, Secretary-General of the Finance Department of the Independent State of the Congo;

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[a] See Convention of 1906, page 2205.

[b] Adhered to by Denmark July 22, 1899; Persia, August 27, 1899; Austria, January 29, 1900; Liberia, April 17, 1900.

The President of the French Republic, M. A. Gérard, Envoy Extraordinary and Minister Plenipotentiary of the French Republic to His Majesty the King of the Belgians.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Francis Plunkett, her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians; and Mr. H. Farnall, of the Foreign Office;

His Majesty the King of Italy, M. R. Cantagalli, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

Her Majesty the Queen of the Netherlands, Jonkheer Rudulphe de Pestel, her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King of Portugal and the Algarves, M. Antoine-Marie, Count of Tovar, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the Emperor of All the Russias, M. N. de Giers, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King of Sweden and Norway, M. Auguste-L.-Fersen, Count Gyldenstolpe, his Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the Emperor of the Ottomans, Etienne Carathéodory Effendi, High Dignitary of his Empire, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

Who, furnished with powers in good and due form, have adopted the following provisions:—

Article I.

From the coming into force of the present Convention, the import duty on spirituous liquors, as that duty is regulated by the General Act of Brussels, shall be raised throughout the zone where there does not exist the system of total prohibition provided by Article XCI of the said General Act, to the rate of 70 fr. the hectolitre at 50 degrees centigrade for a period of six years.

It may, exceptionally, be at the rate of 60 fr. only the hectolitre at 50 degrees centigrade in the Colony of Togo and in that of Dahomey.

The import duty shall be augmented proportionally for each degree above 50 degrees centigrade; it may be diminished proportionally for each degree below 50 degrees centigrade.

At the end of the above-mentioned period of six years, the import duty shall be submitted to revision, taking as a basis the results produced by the preceding rate.

The Powers retain the right of maintaining and increasing the duty beyond the minimum fixed by the present Article in the regions where they now possess that right.

Article II.

In accordance with Article XCIII of the General Act of Brussels, distilled drinks made in the regions mentioned in Article XCII of the said General Act, and intended for consumption, shall pay an excise duty.

This excise duty, the collection of which the Powers undertake to insure as far as possible, shall not be lower than the minimum import duty fixed by Article I of the present Convention.

Article III.

It is understood that the powers who signed the General Act of Brussels, or who have adhered to it, and who are not represented at the present Conference, preserve the right of adhering to the present Convention.

Article IV.

The present Convention shall be ratified within the shortest possible period, and such period shall not in any case exceed one year.

Each Power shall address its ratification to the Government of His Majesty the King of the Belgians, which shall give notice thereof to all the other powers signatory of the present Convention. The ratifications of all the Powers shall be deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications have been produced, or at latest one year after the signature of the present Convention, their deposit shall be recorded in a Protocol which shall be signed by the Representatives of all the Powers who shall have ratified.

A certified copy of this Protocol shall be addressed to all the Powers interested.

Article V.

The present Convention shall come into force in all the possessions of the Contracting Powers situated in the zone defined by Article XC of the General Act of Brussels on the thirtieth day after the date of the preparation of the Protocol of Deposit mentioned in the preceding Article.

In faith whereof the respective Plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done at Brussels, the eighth day of the month of June, eighteen hundred and ninety-nine.

(Signed)

Alvensleben.
Göhring.
Baron Lambermont.
A. Van Maldeghem.
W. R. de Villa-Urrutia
P. de Smet de Naeyer.
H. Droogmans.
A. Gérard.
F. R. Plunkett.
H. Farnall.
R. Cantagalli.
R. de Pestel.
Comte de Tovar.
N. de Giers.
Aug. F. Gyldenstolpe.
Ét. Carathéodory.

1890.

Convention concerning the Formation of an International Union for the Publication of Customs Tariffs.

Signed at Brussels July 5, 1890; ratification advised by the Senate December 13, 1890; ratified by the President December 17, 1890; proclaimed December 17, 1890.

Articles.

I. International Union formed.
II. Object.
III. International Bureau.
IV. Bulletin to be published.
V. Personnel of Bureau.
VI. Language to be used.
VII. Annual reports.
VIII. Expenditures.
IX. Quotas of contracting States.
X. Reduction to certain countries.
XI. Assignment of quotas.
XII. Official publications to be furnished Bureau.
XIII. Regulations to be established.
XIV. Accession of other States.
XV. Duration; additions.
Regulations.
Final declarations.

[Translation made in Washington.]

Convention concerning the formation of an International Union for the publication of Customs Tariffs, to which the following States are Parties:

The Argentine Republic, Austria-Hungary, Belgium, Bolivia, Chili, the Independent State of the Congo, the Republic of Costa Rica, Denmark and her colonies, France and her colonies, Great Britain and sundry British colonies, British India, the Dominion of Canada, the colonies of West Australia, the Cape of Good Hope, Natal, New South Wales, New Zealand, Queensland, Tasmania, Newfoundland and Victoria, Greece, Guatemala, the Republic of Hayti, Italy and her colonies, Mexico, the Netherlands and their colonies, Nicaragua, Paraguay, Peru, Portugal and her colonies, Roumania, Russia, Salvador, the Kingdom of Siam, Spain and her colonies, Switzerland, Turkey, the United States of America, Uruguay and Venezuela.

The undersigned, being duly authorized, have concluded the following convention, subject to the approval of their Governments:

Article 1. An association under the title of "International Union for the publication of Customs Tariffs" shall be formed by the countries above enumerated, and by all such as may hereafter adhere to the present convention.

Art. 2. The object of the Union is to publish, at the common expense, and to make known, as speedily and accurately as possible, the customs tariffs of the various States of the globe and the modifications that may, in future, be made in those tariffs.

Art. 3. To this end, an International Bureau shall be organized at Brussels, whose duty it shall be to cause these tariffs, together with such legislative or executive provisions as may introduce modifications therein, to be translated and published.

Art. 4. This publication shall be made in a collection entitled: "International Customs Bulletin (organ of the International Union for the publication of Customs Tariffs)."

The Commercial languages most in use shall be adopted for this purpose.

ART. 5. The persons composing the International Bureau shall be appointed through the agency of the Ministry of Foreign Affairs of Belgium, which shall advance the necessary funds and see that the institution is properly managed.

ART. 6. In communications addressed by the International Bureau to the adhering Governments, the French language shall be used.

ART. 7. A report concerning the labors and the financial condition of the International Bureau shall be annually addressed to the adhering Governments.

ART. 8. The annual budget of the expenditures of the International Bureau shall be fixed at the maximum of 125,000 francs.

The sum of 50,000 francs shall be placed, the first year, at the disposal of the Minister of Foreign Affairs of Belgium, to enable him to meet the expenses of the organization of the Bureau.

Such States and colonies as may hereafter avail themselves of the privilege of adhering, for which provision is made in article 14, shall pay their quotas of the said sum of 50,000 francs, on the basis of apportionment fixed in article 9.

States and colonies withdrawing from the Union at the expiration of the first term of seven years shall forfeit their rights as joint owners of the common fund.

In case of a liquidation, the common fund shall be divided among the States and colonies forming the Union on the basis of apportionment fixed by article 9.

ART. 9. With a view to the equitable adjustment of the quotas of the contracting States, those States shall be divided, according to the amount of their commerce, into six classes, the quota payable by each of which shall be in the proportion of a certain number of units, to wit:

1st. class. Countries whose commerce regularly amounts to upwards of four thousand millions of francs: 55 units.

2nd class. Countries whose commerce regularly amounts to from two to four thousand millions of francs: 40 units.

3d class. Countries whose commerce regularly amounts to from five hundred millions to two thousand millions of francs: 25 units.

4th class. Countries whose commerce regularly amounts to from one hundred to five hundred millions of francs: 20 units.

5th class. Countries whose commerce regularly amounts to from fifty to one hundred millions of francs: 15 units.

6th class. Countries whose commerce regularly amounts to less than 50 millions of francs: 5 units.

ART. 10. In the case of countries whose language is not used by the International Bureau, the above figures shall be reduced to two-fifths, respectively. The following reductions shall therefore be made:

The quota of the first class shall be reduced to 33 units.

The quota of the second class shall be reduced to 24 units.

The quota of the third class shall be reduced to 15 units.

The quota of the fourth class shall be reduced to 12 units.

The quota of the fifth class shall be reduced to 9 units.

The quota of the sixth class shall be reduced to 3 units.

ART. 11. The sum total of the annual expenditure, divided by the sum of the units assigned to the various contracting States, in pursuance of the foregoing provisions, shall give the unit of expenditure. This unit, multiplied by the number of units assigned to each of these States, shall show the amount of the quota payable by it for the support of the International Bureau.

ART. 12. In order to enable the Institution to edit the International Customs Bulletin as accurately as possible, the contracting parties shall send it, directly and without delay, two copies:

(*a*) of their customs law and their customs tariff, carefully brought up to date.

(*b*) of all provisions that shall ultimately modify said law and tariff.

(*c*) of the circulars and instructions that shall be addressed by the said Governments to their custom-houses concerning the application of the tariff or the classification of goods, and that can be made public.

(*d*) of their treaties of commerce, international conventions and domestic laws having a direct bearing upon the existing tariffs.

ART. 13. A set of regulations providing for the execution of this convention, having the same force as the convention itself, shall determine the manner of publication of the Bulletin of the Union in everything relating to the budget of the International Bureau and to the internal organization of the service.

ART. 14. The States and colonies that have not yet taken part in this convention shall have the privilege of acceding thereto hereafter.

Notice of accession shall be given, in writing, to the Belgian Government, which shall, in turn, communicate such notice to all the other contracting Governments. Accession shall imply adhesion to all the clauses contained in, and the enjoyment of all advantages provided for, by this convention.

ART. 15. This convention shall go into operation on the first day of April, 1891, and shall remain in force for seven years.

If, twelve months before the expiration of the first seven years, no notice of a desire for the cessation of the effects of this convention shall have been given, the Union shall continue to exist for seven years longer, and so on, in periods of seven years each.

Notice of a desire for the cessation of the effects of this convention shall be addressed to the Belgian Government. Such notice shall have no effect save as regards the country giving it, and the convention shall remain in force so far as the other countries of the Union are concerned.

The Governments shall at all times be at liberty to make in this convention, by mutual agreement, such improvements as may be deemed expedient or necessary.

In testimony whereof, the undersigned have signed this Convention, and have thereunto affixed their seals.

Done at Brussels, July the fifth, one thousand eight hundred and ninety.

For the Argentine Republic,
CARLOS CALVO Y CAPDEVILA.
For Austria-Hungary,
EPERJESY.

For Belgium,
LAMBERMONT,
LEON BIEBUYCK,
KEBERS.

For Bolivia,
JOAQUIN CASO.
For Chili,
N. PEÑA VICUÑA.
For the Independent State of the Congo,
EDM. VAN EETVELDE.
For the Republic of Costa Rica,
MANUEL M. DE PERALTA.
For Denmark and her Colonies,
SCHACK DE BROCKDORFF.
For Spain and her Colonies,
J. G. DE AGÜERA.
For the United States of America,
EDWIN H. TERRELL—*ad referendum.*
For France and her Colonies,
A. BOURÉE.
For Great Britain and sundry British Colonies,
MARTIN GOSSELIN,
A. E. BATEMAN.
For British India,
MARTIN GOSSELIN,
A. E. BATEMAN.
For the Dominion of Canada,
CHARLES TUPPER.
For West Australia,

For the Cape of Good Hope,
MARTIN GOSSELIN,
A. E. BATEMAN.
For Natal,
MARTIN GOSSELIN,
A. G. BATEMAN.
For New South Wales,
SAUL SAMUEL.
For New Zealand,
FRANCIS DILLON BELL.
For Queensland,

For Tasmania,
MARTIN GOSSELIN,
A. E. BATEMAN.

For Newfoundland,
MARTIN GOSSELIN,
A. E. BATEMAN.
For Victoria,
GRAHAM BERRY.
For Greece,
P. MULLE.
For Guatemala,
ALEXIS CAPOUILLET.
For the Republic of Hayti,
G. DE DEKEN.
For Italy and her Colonies,
J. DE RENZIS.
For Mexico,
EDM. VAN DEN WYNGAERT.
For Nicaragua,
J. F. MEDINA.
For Paraguay,
HENRI OOSTENDORP.
For the Netherlands and their Colonies,
H. TESTA,
L. E. UYTTENHOOVEN.
For Peru,
JOAQUIN LEMOINE.
For Portugal and her Colonies,
HENRIQUE DE MACEDO PEREIRA CONTINHO,
AUGUSTO CESAR FERREIRA DE MESQUITA.
For Roumania,
J. VACARESCO.
For Russia,
G. KAMENSKY.
For Salvadór,
EMILE ELOY.
For Siam,
FREDERICK VERNEY.
For Switzerland,
E. PACCAUD.
For Turkey,
ET. CARATHÉODORY.
For Uruguay,
FCO. SUSVIELA GUARCH.
For Venezuela,
LUIS LOPEZ MENDEZ.

Regulations for the execution of the Convention creating an International Bureau for the publication of Customs Tariffs.

[Art. 13 of the Convention.]

ARTICLE 1. The international Customs Bulletin shall be published in five languages, viz: German, English, Spanish, French and Italian.

ARTICLE 2. Each State belonging to the Union shall have the privilege of causing to be translated and publishing at its own expense the whole or any part of the Bulletin in any language that it may see fit, provided that such language be not one of those adopted by the International Bureau.

Each of the States of the Union shall likewise have the right to reproduce mere extracts from tariffs, or, by way of exception, portions of the Bulletin, either in a local official organ or in its parliamentary documents.

It is understood moreover, that each State is to be at liberty, as has hitherto been the case, to publish all the tariffs in the original language or in a translation, provided that the text published be not the work of the International Bureau.

ARTICLE 3. The International Bureau pledges itself to take the utmost care in the translation of the customs laws and of the official publications that serve to interpret said laws, but it is understood that the Governments interested assume no responsibility with regard to the accuracy of these translations, and that, in case of dispute, the original text shall be their sole guide.

A notice to this effect shall be printed in large type at the foot of the first page of each number.

ARTICLE 4. The size of the Bulletin shall be determined by the Bureau.

ARTICLE 5. Each Government shall make known in which of the languages adopted by the International Bureau it desires to receive the copies of the Bulletin which are to be furnished to it in return for the amount payable by it for the support of the institution.

Any Government may take a certain number of copies in one language, and the remainder in other languages.

ARTICLE 6. The International Bureau can supply the Bulletin to no Governments save those belonging to the Union.

ARTICLE 7. The amount of the quota payable by each State shall be returned to it in subscriptions to the Bulletin of the Union, computed at the rate of 15 francs each.

ARTICLE 8. The expenditures are computed approximately as follows:

	Francs.
(*a*) Salaries of the officers and employés of the International Bureau, including an addition thereto of 15 per cent	75,000
(*b*) Cost of printing and sending the Bulletin of the Union	30,000
(*c*) Rent and keeping in order of the building occupied by the International Bureau, fuel, light, material, office expenses, etc	20,000
Total	125,000

ARTICLE 9. It shall be the duty of the Minister of Foreign Affairs of Belgium to take such measures as may be necessary for the organization of the International Bureau, and for putting it in working

order, keeping within the limits fixed by the Convention and by these regulations.

ARTICLE 10. The Superintendent of the International Bureau is hereby authorized, subject to the approval of the Minister of Foreign Affairs of Belgium, to use, during the current fiscal year, such sums, appropriated for the past year, as may not have been then used. These sums shall, the case arising, go to form a reserve fund for the payment of contingent expenses. The said reserve shall in no case exceed 25,000 francs. The surplus will, perhaps, render it possible to reduce the price of subscription to the Bulletin, without increasing the number of copies guaranteed by the contracting States; this surplus may also serve to meet the expense that would be occasioned by the addition of a new language to those enumerated in article 1.

This last measure shall not be carried out without the unanimous consent of the States and Colonies belonging to the Union.

Done at Brussels, July the 5th, one thousand eight hundred and ninety, to be appended to the Convention of this day's date.

For the Argentine Republic,
CARLOS CALVO Y CAPDEVILA.
For Austria-Hungary,
EPERJESY.
For Belgium,
LAMBERMONT,
LÉON BIEBUYCK
KEBERS.
For Bolivia,
JOAQUIN CASO.
For Chili,
N. PEÑA VICUÑA.
For the Independent State of the Congo,
EDM. VAN EETVELDE.
For the Republic of Costa Rica,
MANUEL M. DE PERALTA.
For Denmark and her Colonies,
SCHACK DE BROCKDORFF.
For Spain and her Colonies,
J. G. DE AGÜERA.
For the United States of America,
EDWIN H. TERRELL—*ad referendum.*
For France and her Colonies,
A. BOURÉE.
For Great Britain and sundry British Colonies,
MARTIN GOSSELIN,
A. E. BATEMAN.
For British India,
MARTIN GOSSELIN,
A. E. BATEMAN.
For the Dominion of Canada,
CHARLES TUPPER.
For West Australia,

For the Cape of Good Hope,
MARTIN GOSSELIN,
A. E. BATEMAN.
For Portugal and her Colonies,
HENRIQUE DE MACEDO PEREIRA CONTINHO,
AUGUSTO CESAR FERREIRA DE MESQUITA.
For Roumania,
J. VACARESCO.
For Russia,
G. KAMENSKY.
For Salvador,
EMILE ELOY.
For Natal,
MARTIN GOSSELIN,
A. E. BATEMAN.
For Newfoundland,
MARTIN GOSSELIN,
A. E. BATEMAN.
For New South Wales,
SAUL SAMUEL.
For New Zealand,
FRANCIS DILLON BELL.
For Queensland,

For Tasmania,
MARTIN GOSSELIN,
A. E. BATEMAN.

For Victoria,
GRAHAM BERRY.
For Greece,
P. MULLE.
For Guatemala,
ALEXIS CAPOUILLET.
For the Republic of Hayti,
G. DE DEKEN.
For Italy and her Colonies,
J. DE RENZIS.
For Mexico,
EDM. VAN DEN WYNGAERT.
For Nicaragua,
J. F. MEDINA.
For Paraguay,
HENRI OOSTENDORP.
For the Netherlands and their Colonies,
H. TESTA,
L. E. UYTTENHOOVEN.
For Peru,
JOAQUIN LEMOINE.
For Siam,
FREDERICK VERNEY.
For Switzerland,
E. PACCAUD.
For Turkey,
ET. CARATHÉODORY.
For Uruguay,
FCO. SUSVIELA GUARCH.
For Venezuela,
LUIS LOPEZ MENDEZ.

FINAL DECLARATIONS.

The undersigned delegates, having met this day for the purpose of signing the Convention and regulations providing for the formation of an International Union for the publication of customs tariffs, have exchanged the following declarations:

1. As regards the classification of the countries of the Union according to the quotas payable by them for the support of the International Bureau (arts. 9, 10, and 11 of the Convention):

The delegates declare that, so long as the Convention shall remain in force, the adhering countries shall be classified as follows, and that the quotas payable by them shall be in proportion to the number of units stated below.

FIRST CLASS.

	Units.
England and her Colonies not specially hereafter mentioned	55
Belgium	55
France and her Colonies	55
Netherlands and their Colonies	33
Russia	33
United States of America	55

SECOND CLASS.

Austria-Hungary	24
British India	40
Italy and her Colonies	40
Spain and her Colonies	40

THIRD CLASS.

Argentine Republic	25
Brazil	15
Canada	25
Denmark and her Colonies	15
New South Wales	25
Portugal and her Colonies	15
Switzerland	25
Turkey	15
Victoria	25

FOURTH CLASS.

	Units.
Cape of Good Hope	20
Chili	20
Colombia	20
Ecuador	20
Egypt	12
Greece	12
Japan	12
Mexico	20
New Zealand	20
Persia	12
Queensland	20
Roumania	12
Uruguay	20
Venezuela	20

FIFTH CLASS.

Bolivia	15
Costa Rica	15
Guatemala	15
Hayti	15
Natal	15
Peru	15
Servia	9
Siam	9
South African Republic	9

SIXTH CLASS.

Australia (West)	5
Dominican Republic	5
Honduras (Republic)	5
Independent State of Congo	3
Newfoundland	5
Nicaragua	5
Paraguay	5
Salvador	5
Tasmania	5

As to the amounts of the quotas that have appeared in the table of apportionment, they are reproduced below by way of information, as the contribution of each State can not be determined with absolute precision until all the adhesions shall have become definitive. It is nevertheless, understood that these figures shall in no case be increased while this convention remains in force.

	Amount payable.	Number of subscriptions.
FIRST CLASS.		
England and her Colonies not specially hereinafter mentioned	6833	456
Belgium	6833	456
France and her Colonies	6833	456
Netherlands and their Colonies	4100	274
Russia	4100	274
United States of America	6833	456
SECOND CLASS.		
Austria-Hungary	2982	199
British India	4970	332
Italy and her Colonies	4970	332
Spain and her Colonies	4970	332

	Amount payable.	Number of subscriptions.
THIRD CLASS.		
Argentine Republic	3106	207
Brazil	1863	124
Canada	3106	207
Denmark and her Colonies	1863	124
New South Wales	3106	207
Portugal and her Colonies	1863	124
Switzerland	3106	207
Turkey	1863	124
Victoria	3106	207
FOURTH CLASS.		
Cape of Good Hope	2485	166
Chili	2485	166
Colombia	2485	166
Ecuador	2485	166
Egypt	1491	100
Greece	1491	100
Japan	1491	100
Mexico	2485	166
New Zealand	2485	166
Persia	1491	100
Queensland	2485	166
Roumania	1491	100
Uruguay	2485	166
Venezuela	2985	166
FIFTH CLASS.		
Bolivia	1863	124
Costa Rica	1863	124
Guatemala	1863	124
Hayti	1863	124
Natal	1863	124
Peru	1863	124
Servia	1118	75
Siam	1118	75
South African Republic	1118	75
SIXTH CLASS.		
Australia (West)	621	42
Dominican (Republic)	621	42
Honduras (Republic)	621	42
Independent State of the Congo	372	25
Newfoundland	621	42
Nicaragua	621	42
Paraguay	621	42
Salvador	621	42
Tasmania	621	42

2. As regards the payment of the quotas of the contracting parties:

The delegates declare that it shall take place at Brussels during the first quarter of each fiscal year in coin that is a legal tender in Belgium.

3. As regards the date at which the Convention is to go into operation, which has been fixed at April 1st, 1891:

The delegates declare that it shall, if possible, be preceded by a notification of definite adhesion on the part of the Governments interested; that this formality is, nevertheless, not indispensable, and that the countries by whose representatives this Convention has been signed shall be kept on the list of adherents unless they shall, on or before April 1st, 1891, have formally expressed the intention of withdrawing.

In testimony whereof, the delegates have affixed their signatures to these final declarations.

Done at Brussels, July the 5th, one thousand eight hundred and ninety.

For the Argentine Republic,
CARLOS CALVO Y CAPDEVILA.
For Austria-Hungary,
EPERJESY.
For Belgium,
LAMBERMONT,
LEON BIEBUYCK,
KEBERS.
For Bolivia,
JOAQUIN CASO.
For Chili,
N. PEÑA VICUÑA.
For the Independent State of the Congo,
EDM. VAN EETVELDE.
For the Republic of Costa Rica,
MANUEL M. DE PERALTA.
For Denmark and her Colonies,
SCHACK DE BROCKDORFF.
For Spain and her Colonies,
J. G. DE AGÜERA.
For Natal,
MARTIN GOSSELIN,
A. E. BATEMAN.
For New South Wales,
SAUL SAMUEL.
For New Zealand,
FRANCIS DILLON BELL.
For Queensland,
——— ———.
For Tasmania,
MARTIN GOSSELIN,
A. E. BATEMAN.
For Newfoundland,
MARTIN GOSSELIN,
A. E. BATEMAN.
For Victoria,
GRAHAM BERRY.
For Greece,
P. MULLE.
For Guatemala,
ALEXIS CAPOUILLET.
For the Republic of Haiti,
G. DE DEKEN.
For Italy and her Colonies,
J. DE RENZIS.
For Mexico,
EDM. VAN DEN WYNGAERT.
For Nicaragua,
J. F. MEDINA.
For the United States of America,
EDWIN H. TERRELL—*ad referendum.*
For France and her Colonies,
A BOURÉE.
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MARTIN GOSSELIN,
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For the Dominion of Canada,
CHARLES TUPPER.
For West Australia,
——— ———
For the Cape of Good Hope,
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HENRI OOSTENDORP.
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H. TESTA,
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For Peru,
JOAQUIN LEMOINE.
For Portugal and her Colonies,
HENRIQUE DE MACEDO PEREIRA CONTINHO,
AUGUSTO CESAR FERREIRA DE MESQUITA.
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J. VACARESCO.
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For Siam,
FREDERICK VERNEY.
For Switzerland,
E. PACCAUD.
For Turkey,
ET. CARATHÉODORY.
For Uruguay,
FCO. SUSVIELA GUARCH.
For Venezuela,
LUIS LOPEZ MENDEZ.

1901.[a]

FINAL PROTOCOL ENTERED INTO BETWEEN THE PLENIPOTENTIARIES OF VARIOUS POWERS AT THE CONCLUSION OF THE SO-CALLED "BOXER" TROUBLES IN 1900.

Concluded at Peking, September 7, 1901.

ARTICLES.

I. (*a*) Assassination of German Minister.
(*b*) Erection of monument.
II. (*a*) Punishment.
(*b*) Suspension of official examinations.
III. Assassination of Japanese chancellor.
IV. Erection of monuments.
V. Importation of arms, etc.
VI. Indemnity; payment.
VII. Legation quarter.
VIII. Razing of forts.
IX. Points occupied.
X. Publication of imperial edicts.
XI. Amendments to commercial treaties; improvement of rivers.
XII. Office of Foreign Affairs; evacuation of Peking, etc.

[Translation.]

FINAL PROTOCOL.

The plenipotentiaries of Germany, His Excellency M. A. Mumm von Schwarzenstein; of Austria-Hungary, His Excellency M. M. Czikann von Wahlborn; of Belgium, His Excellency M. Joostens; of Spain, M. B. J. de Cologan; of the United States, His Excellency M. W. W. Rockhill; of France, His Excellency M. Paul Beau; of Great Britain, His Excellency Sir Ernest Satow; of Italy, Marquis Salvago Raggi; of Japan, His Excellency M. Jutaro Komura; of the Netherlands, His Excellency M. F. M. Knobel; of Russia, His Excellency M. M. de Giers; and of China, His Highness Yi-K'uang Prince Ching of the first rank, President of the Ministry of Foreign Affairs, and His Excellency Li Hung-chang, Earl of Su-i of the first rank, Tutor of the Heir Apparent, Grand Secretary of the Wen-hua Throne Hall, Minister of commerce, Superintendent of the northern trade, Governor-General of Chihli, have met for the purpose of declaring that China has complied to the satisfaction of the Powers with the conditions laid down in the note of the 22d of December, 1900, and which were accepted in their entirety by His Majesty the Emperor of China in a decree dated the 27th of December.

ARTICLE I.

By an imperial edict of the 9th of June last (Annex No. 2), Tsai Feng, Prince of Ch'ün, was appointed Ambassador of His Majesty the Emperor of China, and directed in that capacity to convey to His Majesty the German Emperor the expression of the regrets of His Majesty the Emperor of China and of the Chinese Government for the assassination of His Excellency the late Baron von Ketteler, German minister.

Prince Ch'ün left Peking the 12th of last July to carry out the orders which had been given him.

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[a] See new agreement, p. 2013.

ARTICLE I.[b]

The Chinese Government has stated that it will erect on the spot of the assassination of His Excellency the late Baron von Ketteler a commemorative monument, worthy of the rank of the deceased, and bearing an inscription in the Latin, German, and Chinese languages, which shall express the regrets of His Majesty the Emperor of China for the murder committed.

Their Excellencies the Chinese Plenipotentiaries have informed His Excellency the German Plenipotentiary, in a letter dated the 22nd of July last (Annex No. 3) that an arch of the whole width of the street would be erected on the said spot, and that work on it was begun the 25th of June last.

ARTICLE II.[a]

Imperial edicts of the 13th and 21st of February, 1901 (Annexes Nos. 4, 5, and 6), inflicted the following punishments on the principal authors of the outrages and crimes committed against the foreign Governments and their nationals:

Tsai-I Prince Tuan and Tsai Lan Duke Fu-kuo were sentenced to be brought before the autumnal court of assize for execution, and it was agreed that if the Emperor saw fit to grant them their lives they should be exiled to Turkestan and there imprisoned for life, without the possibility of commutation of these punishments.

Tsai Hsün Prince Chuang, Ying Nien, President of the Court of censors, and Chao Shu-Chiao, President of the Board of Punishments, were condemned to commit suicide.

Yü Hsien, Governor of Shanhshi, Chi Hsiu, President of the Board of rites, and Hsü Cheng-yu, formerly senior vice-President of the Board of punishments, were condemned to death.

Posthumous degradation was inflicted on Kang Yi, assistant Grand Secretary, President of the Board of works, Hsü Tung, Grand Secretary, and Li Ping-heng, formerly Governor-General of Szu-ch'uan.

An Imperial Edict of February 13th, 1901 (Annex No. 7), rehabilitated the memories of Hsü Yung-yi, President of the Board of war, Li Shaon, President of the Board of works, Hsü Ching-cheng, senior vice-President of the Board of works, Lien Yuan, vice-Chancellor of the Grand Council, and Yuan Chang, vice-President of the Court of sacrifices, who had been put to death for having protested against the outrageous breaches of international law of last year.

Prince Chuang committed suicide the 21st of February, 1901, Ying Nien and Chao Shu-chiao the 24th, Yü Hsien was executed the 22nd, Chi Hsiu and Hsü Cheng-yu on the 26th. Tung Fu-hsiang, General in Kan-su, has been deprived of his office by Imperial Edict of the 13th of February, 1901, pending the determination of the final punishment to be inflicted on him.

Imperial Edicts dated the 29th of April and 19th of August, 1901, have inflicted various punishments on the provincial officials convicted of the crimes and outrages of last summer.

ARTICLE II.[a]

An Imperial Edict promulgated the 19th of August, 1901 (Annex No. 8), ordered the suspension of official examinations for five years in all cities where foreigners were massacred or submitted to cruel treatment.

ARTICLE III.

So as to make honorable reparation for the assassination of Mr. Sugiyama, chancellor of the Japanese legation, His Majesty the Emperor of China by an Imperial Edict of the 18th of June, 1901 (Annex No. 9), appointed Na-Tung, vice-President of the Board of revenue, to be his Envoy Extraordinary, and specially directed him to convey to His Majesty the Emperor of Japan the expression of the regrets of His Majesty the Emperor of China and of his Government at the assassination of the late Mr. Sugiyama.

ARTICLE IV.

The Chinese Government has agreed to erect an expiatory monument in each of the foreign or international cemeteries which were desecrated and in which the tombs were destroyed.

It has been agreed with the Representatives of the Powers that the legations interested shall settle the details for the erection of these monuments, China bearing all the expenses thereof, estimated at ten thousand taels for the cemeteries at Peking and within its neighborhood, and at five thousand taels for the cemeteries in the provinces. The amounts have been paid and the list of these cemeteries is enclosed herewith. (Annex No. 10.)

ARTICLE V.

China has agreed to prohibit the importation into its territory of arms and ammunition, as well as of materials exclusively used for the manufacture of arms and ammunition.

An Imperial Edict has been issued on the 25th of August, 1901 (Annex No. 11), forbidding said importation for a term of two years. New Edicts may be issued subsequently extending this by other successive terms of two years in case of necessity recognized by the Powers.

ARTICLE VI.

By an Imperial Edict dated the 29th of May, 1901 (Annex No. 12), His Majesty the Emperor of China agreed to pay the Powers an indemnity of four hundred and fifty millions of Haikwan Taels. This sum represents the total amount of the indemnities for States, companies or societies, private individuals, and Chinese referred to in Article VI of the note of December 22nd, 1900.

(*a*) These four hundred and fifty millions constitute a gold debt calculated at the rate of the Haikwan tael to the gold currency of each country, as indicated below.

Haikwan tael	=marks	3.055
	=Austro-Hungary crown	3.595
	=gold dollar	0.742
	=francs	3.750
	=pound sterling	3s. 0d.
	=yen	1.407
	=Netherlands florin	1.796
	=gold rouble (17.424 dolias fine)	1.412

This sum in gold shall bear interest at 4 per cent per annum, and the capital shall be reimbursed by China in thirty-nine years in the manner indicated in the annexed plan of amortization. (Annex No. 13).

Capital and interest shall be payable in gold or at the rates of exchange corresponding to the dates at which the different payments fall due.

The amortization shall commence the 1st of January, 1902, and shall finish at the end of the year 1940. The amortizations are payable annually, the first payment being fixed on the 1st of January, 1903.

Interest shall run from the 1st of July, 1901, but the Chinese Government shall have the right to pay off within a term of three years, beginning January, 1902, the arrears of the first six months, ending the 31st of December, 1901, on condition, however, that it pays compound interest at the rate of 4 per cent per annum on the sums the payments of which shall have thus been deferred. Interest shall be payable semiannually, the first payment being fixed on the 1st of July, 1902.

(*b*) The service of the debt shall take place in Shanghai, in the following manner:

Each Power shall be represented by a delegate on a commission of bankers authorized to receive the amount of interest and amortization which shall be paid to it by the Chinese authorities designated for that purpose, to divide it among the interested parties, and to give a receipt for the same.

(*c*) The Chinese Government shall deliver to the Doyen of the Diplomatic Corps at Peking a bond for the lump sum, which shall subsequently be converted into fractional bonds bearing the signatures of the delegates of the Chinese Government designated for that purpose. This operation and all those relating to issuing of the bonds shall be performed by the above-mentioned Commission, in accordance with the instructions which the Powers shall send their delegates.

(*d*) The proceeds of the revenues assigned to the payment of the bonds shall be paid monthly to the Commission.

(*e*) The revenues assigned as security for the bonds are the following:

1. The balance of the revenues of the Imperial maritime Customs after payment of the interest and amortization of preceding loans secured on these revenues, plus the proceeds of the raising to five per cent effective of the present tariff on maritime imports, including articles until now on the free list, but exempting foreign rice, cereals, and flour, gold and silver bullion and coin.

2. The revenues of the native customs, administered in the open ports by the Imperial maritime Customs.

3. The total revenues of the salt gabelle, exclusive of the fraction previously set aside for other foreign loans.

The raising of the present tariff on imports to five per cent effective is agreed to on the conditions mentioned below.

It shall be put in force two months after the signing of the present protocol, and no exceptions shall be made except for merchandise shipped not more than ten days after the said signing.

1°. All duties levied on imports "ad valorem" shall be converted as far as possible and as soon as may be into specific duties. This conversion shall be made in the following manner: The average value of merchandise at the time of their landing during the three years 1897, 1898, and 1899, that is to say, the market price less the amount of import duties and incidental expenses, shall be taken as the basis for the valuation of merchandise. Pending the result of the work of conversion, duties shall be levied "ad valorem."

2°. The beds of the rivers Peiho and Whangpu shall be improved with the financial participation of China.

Article VII.

The Chinese Government has agreed that the quarter occupied by the legations shall be considered as one specially reserved for their use and placed under their exclusive control, in which Chinese shall not have the right to reside and which may be made defensible.

The limits of this quarter have been fixed as follows on the annexed plan (Annex No. 14):

On the west, the line 1, 2, 3, 4, 5.

On the north, the line 5, 6, 7, 8, 9, 10.

On the east, Ketteler street (10, 11, 12).

Drawn along the exterior base of the Tartar wall and following the line of the bastions, on the south the line 12.1.

In the protocol annexed to the letter of the 16th of January, 1901, China recognized the right of each Power to maintain a permanent guard in the said quarter for the defense of its legation.

Article VIII.

The Chinese Government has consented to raze the forts of Taku and those which might impede free communication between Peking and the sea; steps have been taken for carrying this out.

Article IX.

The Chinese Government has conceded the right to the Powers in the protocol annexed to the letter of the 16th of January, 1901, to occupy certain points, to be determined by an agreement between them, for the maintenance of open communication between the capital and the sea. The points occupied by the powers are:

Huang-tsun, Lang-fang, Yang-tsun, Tientsin, Chun-liang Ch'eng, Tang-ku, Lu-tai, Tang-shan, Lan-chou, Chang-li, Ch'in-wang tao, Shan-hai kuan.

Article X.

The Chinese Government has agreed to post and to have published during two years in all district cities the following Imperial edicts:

(*a*) Edict of the 1st of February (Annex No. 15), prohibiting forever, under pain of death, membership in any antiforeign society.

(*b*) Edicts of the 13th and 21st February, 29th April, and 19th August, enumerating the punishments inflicted on the guilty.

(*c*) Edict of the 19th August, 1901, prohibiting examinations in all cities where foreigners were massacred or subjected to cruel treatment.

(*d*) Edict of the 1st of February, 1901 (Annex No. 16), declaring all governors-general, governors, and provincial or local officials responsible for order in their respective districts, and that in case of new antiforeign troubles or other infractions of the treaties which shall not be immediately repressed and the authors of which shall not have been punished, these officials shall be immediately dismissed, without possibility of being given new functions or new honors.

The posting of these edicts is being carried on throughout the Empire.

Article XI.

The Chinese Government has agreed to negotiate the amendments deemed necessary by the foreign Governments to the treaties of commerce and navigation and the other subjects concerning commercial relations, with the object of facilitating them.

At present, and as a result of the stipulation contained in Article VI concerning the indemnity, the Chinese Government agrees to assist in the improvement of the courses of the rivers Peiho and Whangpu, as stated below.

(*a*) The works for the improvement of the navigability of the Peiho, begun in 1898 with the cooperation of the Chinese Government, have been resumed under the direction of an international Commission. As soon as the administration of Tientsin shall have been handed back to the Chinese Government, it will be in a position to be represented on this commission, and will pay each year a sum of sixty thousand Haikwan taels for maintaining the works.

(*b*) A conservancy Board, charged with the management and control of the works for straightening the Whangpu and the improvement of the course of that river, is hereby created.

This Board shall consist of members representing the interests of the Chinese Government and those of foreigners in the shipping trade of Shanghai. The expenses incurred for the works and the general management of the undertaking are estimated at the annual sum of four hundred and sixty thousand Haikwan taels for the first twenty years. This sum shall be supplied in equal portions by the Chinese Government and the foreign interests concerned. Detailed stipulations concerning the composition, duties, and revenues of the conservancy board are embodied in annex No. 17.

Article XII.

An Imperial Edict of the 24th of July, 1901 (annex No. 18), reformed the Office of foreign affairs, (Tsungli Yamen), on the lines indicated by the Powers, that is to say, transformed it into a Ministry of foreign affairs (Wai-wu Pu), which takes precedence over the six other Ministries of State. The same edict appointed the principal members of this Ministry.

An agreement has also been reached concerning the modification of Court ceremonial as regards the reception of foreign Representatives and has been the subject of several notes from the Chinese Pleni-

potentiaries, the substance of which is embodied in a memorandum herewith annexed (annex No. 19).

Finally, it is expressly understood that as regards the declarations specified above and the annexed documents originating with the foreign Plenipotentiaries, the French text only is authoritative.

The Chinese Government having thus complied to the satisfaction of the Powers with the conditions laid down in the above-mentioned note of December 22nd, 1900, the Powers have agreed to accede to the wish of China to terminate the situation created by the disorders of the summer of 1900. In consequence thereof the foreign Plenipotentiaries are authorized to declare in the names of their Governments that, with the exception of the legation guards mentioned in Article VII, the international troops will completely evacuate the city of Peking on the 17th September, 1901, and, with the exception of the localities mentioned in Article IX, will withdraw from the province of Chihli on the 22d of September.

The present final Protocol has been drawn up in twelve identic copies and signed by all the Plenipotentiaries of the Contracting Countries. One copy shall be given to each of the foreign Plenipotentiaries, and one copy shall be given to the Chinese Plenipotentiaries.

Peking, 7th September, 1901.

A. v. MUMM.
M. CZIKANN.
JOOSTENS.
B. J. DE COLOGAN.
W. W. ROCKHILL.
BEAU.
ERNEST SATOW.
SALVAGO RAGGI.
JUTARO KOMURA.
F. M. KNOBEL.
M. DE GIERS.

{ Signatures and seals of Chinese plenipotentiaries. }

[Translation.]

Annexes to the final protocol. (Appendix For. Rel. of U. S. 1901, pp. 319 et seq.)

No. 1. Imperial Edict of 27 December, 1900.
2. Imperial Edict of 9 June, 1901.
3. Letter of the Chinese plenipotentiaries of 22 July, 1901.
4. Imperial Edict of 13 February, 1901.
5. Imperial Edict of 13 February, 1901.
6. Imperial Edict of 21 February, 1901.
7. Imperial Edict of 13 February, 1901.
8. Imperial Edict of 19 August, 1901.
9. Imperial Edict of 18 June, 1901.
10. List of desecrated cemeteries.
11. Imperial Edict of 25 August, 1901.
12. Imperial Edict of 29 May, 1901.
13. Table of amortization.
14. Plan of the diplomatic quarter and notice.
15. Imperial Edict of 1st February, 1901.
16. Imperial Edict of 1st February, 1901.
17. Regulations for the improvement of the Whangpu.
18. Imperial Edict of 24 July, 1901.
19. Memorandum concerning court ceremonial.

1905.

NEW AGREEMENT BETWEEN CHINA AND CERTAIN POWERS FOR THE WHANG-PU CONSERVANCY.

Signed at Peking September 27, 1905. (The agreement is in the French language only. The following is a translation furnished by the Department of State.)

ARTICLES.

I. Control of the works in connection with the Whangpu River, etc.
II. Selection of an engineer.
III. Bids for contracts.
IV. Reports.
V. Authorization for new bunds, jetties, etc.
VI. Expropriation of existing moorings.
VII. Dredging.
VIII. Acquisition of land.
IX. Cost.
X. Assignment of opium duty.
XI. Authority of consular body.
XII. Protocol of 1901 amended.

[Translation.]

With reference to the provisions of the Final Protocol of 1901 relating to the establishment of a Whangpu Conservancy Board, its functions and revenues, China being now desirous of substituting a different arrangement, assuming charge herself of the work and making herself responsible for the whole cost, and the Powers who were parties to the Protocol having given their consent thereto, the following arrangement has been agreed to.

ARTICLE I.

The works in connection with the straightening of the channel of the Whangpu River and of the improvement of the bars above and below Wusung together with the maintenance of such improvements shall all be placed under the management of the Shanghai Customs Taot'ai and the Commissioner of Customs. The control of the Whangpu River Police, lights, beacons, sanitary matters, pilot service, et cetera, shall be under the same control as formerly.

ARTICLE II.

Within three months from the date of signing this agreement, China will herself select an engineer well versed in river conservancy work, and if a majority of the Representatives of the Powers parties to the Final Protocol consider him well qualified, China will at once appoint him to undertake the work. If after the commencement of the work a new appointment, for reasons deemed valid by a majority of said Representatives, becomes necessary, the selection and appointment shall be made in the manner above mentioned.

ARTICLE III.

For all contracts for undertaking the river works in whole or in part and for purchasing materials and machinery and the like, public tenders shall be invited and the most advantageous shall be accepted.

ARTICLE IV.

Every quarter a detailed report of the work done and an account of monies expended on the river works shall be made and forwarded for the inspection of the Consular Body at Shanghai.

ARTICLE V.

The authorization of the Shanghai Customs Taot'ai and of the Commissioner of Customs shall be necessary before new bunds or jetties can be constructed, pontoons placed in position, or hulks stationed in the river.

ARTICLE VI.

The Shanghai Customs Taot'ai and the Commissioner of Customs shall have authority to expropriate existing moorings and to establish a system of public moorings in the river.

ARTICLE VII.

No dredging or other operations shall be carried out without the authorization of the Shanghai Customs Taot'ai and the Commissioner of Customs.

ARTICLE VIII.

The Shanghai Customs Taot'ai and the Commissioner of Customs shall have power to acquire any land outside the foreign settlements necessary for the work of improvement and maintenance of the Whangpu River, and to dispose of such land. If for this purpose it is considered necessary to proceed by way of expropriation, the price in the case of a foreigner's property shall be fixed by a commission composed of (1) a person selected by the Consular authority of the owner, (2) another chosen by the Shanghai Customs Taot'ai and the Commissioner of Customs, and (3) of another chosen by the Senior Consul. In case the Senior Consul is also the Consular authority of the owner, the Consul next in authority shall choose the third member of the Commission. The Consular authority of the owner shall provide for the execution of the arbitrator's decision. When the land is the property of a Chinese the Customs shall fix the price and enforce the decision in an analogous manner.

Foreign and Chinese riparian owners shall have the right of preemption over all land formed in front of their property by reclamation from the river in the course of the execution of the works of the improvement of the channel, at a price to be fixed by a commission formed in the same manner as prescribed in the preceding paragraph, or as the case may be by the Customs Authorities.

ARTICLE IX.

The Chinese Government bears the whole cost of the river works and without levying for this purpose dues on riparian property, shipping or goods.

ARTICLE X.

China now sets aside and assigns the entire opium duty of Szechuan and of Hsuchou Fu in Kiangsu as security for the whole cost of the river works; and in accordance with the estimated cost as stated in the Protocol of 1901, will annually supply 460,000 Haikwan taels for this purpose for a term of twenty years. If during any given year after the commencement of the work it is necessary to incur an extraordinary expenditure for the purchase of materials, machinery, etc., China may raise to meet it a loan for the required amount and issue bonds on the security of the above mentioned opium revenues. The total sum annually provided for sinking fund and for interest on such loan, as well as for expenses of all kinds on account of works and maintaining works already completed shall not be less than 460,000 Haikwan taels, to be paid in equal monthly instalments by the Provincial authorities concerned to the Shanghai Customs Taot'ai and the Commissioner of Customs. Should the revenues assigned fall short, the Chinese Government will provide the amount specified from other sources.

ARTICLE XI.

If the works are not carried out with diligency, care and economy, by a majority vote the Consular Body may unite to point out the fact to the Shanghai Customs Taot'ai and the Commissioner of Customs, and call upon them to direct the engineer to take steps to remedy the matters complained of, and if the work is still not properly done, they may recommend the Engineer's dismissal and the selection and appointment of another engineer, in the manner described in Article II. In case no notice is taken by the Shanghai Customs Taot'ai and Commissioner of Customs of their representations, the Consular Body may report to the Representatives of the Powers interested.

ARTICLE XII.

After the present stipulations have been discussed, agreed upon and signed, section (b) of Article XI and Annex 17 of the Protocol of 1901 will be suspended. But if China does not, in accordance with this new agreement, annually furnish the necessary funds, so that the requirements of the works are impeded, or if she omits to fulfil any other of the essential stipulations of this agreement, the original stipulations of the Protocol of 1901 and of Annex 17 thereto shall immediately come into force.

Done at Peking the 27th September, 1905.

(Signed)

A. v. MUMM
A. ROSTHORN
E. DE GAIFFIER
MANUEL DE CARCER
W. W. ROCKHILL
G. DUBAIL
ERNEST SATOW
C. BAROLI
Y. UCHIDA
A. J. CITTERS
G. KOZAKOW

[Prince of Ch'ing's signature]
[Seal of Wai-wu-Pu]

CONVENTIONS CONCLUDED AT THE FIRST INTERNATIONAL PEACE CONFERENCE, HELD AT THE HAGUE, 1899.

(See conventions concluded at Second International Peace Conference, held at The Hague, 1907, page 2220.)

1899.[a]

Convention for the Pacific Settlement of International Disputes.

Concluded July 29, 1899; ratification advised by Senate February 5, 1900; ratified by President April 7, 1900; ratifications deposited with the Netherlands Government September 4, 1900; proclaimed November 1, 1901.

Articles.

Title I. Maintenance of general peace.

I. Pacific settlement of international differences.

Title II. Mediation.

II. Good offices.
III. Offer of mediation.
IV. Mediator.
V. Termination of mediator's duties.
VI. Effect of mediation.
VII. Acceptance of mediation.
VIII. Special mediation; choosing mediators, etc.

Title III. International commissions of inquiry.

IX. Investigations by commission.
X. Special agreement; jurisdiction.
XI. Formation.
XII. Facilities supplied commission.
XIII. Report.
XIV. Effect of report.

Title IV. International arbitration.

Chapter I. System of arbitration.

XV. Object.
XVI. Recognition.
XVII. Questions considered.
XVIII. Submission to award.
XIX. Extension of arbitration.

[a] Adhered to by the Argentine Republic, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela.

The convention for the pacific settlement of international disputes, concluded at The Hague, October 18, 1907 (second international conference) Article XCI provides, "The present convention, duly ratified, shall replace, as between the contracting powers, the convention for the pacific settlement of international disputes of the 29th July, 1899."

Chapter II. Permanent court of arbitration.

XX. Organization.
XXI. Jurisdiction.
XXII. International bureau.
XXIII. Arbitrators.
XXIV. Selection of arbitrators; assembling of tribunal.
XXV. Seat of tribunal.
XXVI. Special board of arbitration; extension of jurisdiction.
XXVII. Notice to disputants.
XXVIII. Administrative council.
XXIX. Expenses of bureau.

Chapter III. Arbitral procedure.

XXX. Rules.
XXXI. Special act.
XXXII. Selection of arbitrators.
XXXIII. Sovereign as arbitrator.
XXXIV. Umpire.
XXXV. Vacancies.
XXXVI. Place of session.
XXXVII. Agents, counsel, etc.
XXXVIII. Language.
XXXIX. Procedure.
XL. Exchange of documents.
XLI. Discussions.
XLII. Limiting discussions.
XLIII. New evidence.
XLIV. Production of acts.
XLV. Oral arguments.
XLVI. Rulings.
XLVII. Questions by tribunal.
XLVIII. Interpretation.
XLIX. Rules of procedure.
L. Closing discussion.
LI. Deliberation.
LII. Award.
LIII. Announcing award.
LIV. Effect of award.
LV. Revision of award.
LVI. Parties bound by award.
LVII. Expenses of tribunal.
LVIII. Ratification.
LIX. Adhesion by powers nonsignatory.
LX. Adhesion by powers not represented.
LXI. Denunciation.

[Translation.]

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

Sharing the opinion of the august Initiator of the International Peace Conference that it is expedient to record in an international Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous of concluding a Convention to this effect, have appointed as their Plenipotentiaries, to-wit:—

His Majesty the Emperor of Germany, King of Prussia:

His Excellency Count de Münster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary:

His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary.

Mr. Alexander Okolicsanyi d'Okolicsna, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Belgians:

His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Representatives.

Count de Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The Chevalier Descamps, Senator.

His Majesty the Emperor of China:

Mr. Yang Yü, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg.

His Majesty the King of Denmark:

His Chamberlain Fr. E. de Bille, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen Regent of the Kingdom:

His Excellency the Duke of Tetuan, formerly Minister of Foreign Affairs.

Mr. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

Mr. Arthur de Baguer, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United States of America:

His Excellency Mr. Andrew D. White, Ambassador of the United States at Berlin.

Mr. Seth Low, President of Columbia University, New York.

Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

Captain Alfred T. Mahan.

Captain William Crozier.

The President of the United Mexican States:

Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris.

Mr. Zenil, Minister Resident at Brussels.

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. LÉON BOURGEOIS, formerly President of the Council, formerly Minister of Foreign Affairs, Member of the Chamber of Deputies.

Mr. GEORGES BIHOURD, Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The BARON D'ESTOURNELLES DE CONSTANT, Minister Plenipotentiary, Member of the Chamber of Deputies.

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, EMPRESS OF INDIA:

His Excellency the Right Honorable BARON PAUNCEFOTE OF PRESTON, Member of Her Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary at Washington.

SIR HENRY HOWARD, Her Envoy Extraordinary and Minister Plenipotentiary at The Hague.

HIS MAJESTY THE KING OF THE HELLENES:

Mr. N. DELYANNI, formerly President of the Council, formerly Minister of Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

HIS MAJESTY THE KING OF ITALY:

His Excellency COUNT NIGRA, His Ambassador at Vienna, Senator of the Kingdom.

COUNT A. ZANNINI, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

COMMANDER GUIDO POMPILJ, Deputy in the Italian Parliament.

HIS MAJESTY THE EMPEROR OF JAPAN:

Mr. I. MOTONO, His Envoy Extraordinary and Plenipotentiary at Brussels.

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBURG, DUKE OF NASSUA.

His Excellency Mr. EYSCHEN, His minister of State, President of the Grand Ducal Government.

HIS HIGHNESS THE PRINCE OF MONTENEGRO:

His Excellency the present PRIVY COUNCILLOR DE STAAL, Ambassador of Russia at London.

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

JONKHEER A. P. C. VAN KARNEBEEK, formerly Minister of Foreign Affairs, Member of the Second Chamber of the States-General.

GENERAL J. C. C. DEN BEER POORTUGAEL, formerly Minister of War, Member of the Council of State.

Mr. T. M. C. ASSER, Member of the Council of State.

Mr. E. N. RAHUSEN, Member of the First Chamber of the States-General.

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA:

His Aid-de-Camp General MIRZA RIZA KHAN, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Stockholm.

HIS MAJESTY THE KING OF PORTUGAL AND OF THE ALGARVES, ETC.:

COUNT DE MACEDO, Peer of the Kingdom, formerly Minister of the Navy and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid.

Mr. D'ORNELLAS ET VASCONCELLOS, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg.

COUNT DE SELIR, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Roumania:

Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin.

Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of All the Russias:

His Excellency the present Privy Councillor De Staal, His Ambassador at London.

Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor.

His present Councillor of State de Basily, Chamberlain, Director of the First Department of the Imperial Ministry of Foreign Affairs.

His Majesty the King of Servia:

Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam:

Phya Suriya Nuvatr, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris.

Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at London.

His Majesty the King of Sweden and Norway:

Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.

The Swiss Federal Council:

Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin.

His Majesty the Emperor of the Ottomans:

His Excellency Turkhan Pacha, formerly Minister of Foreign Affairs, Member of His Council of State.

Noury Bey, Secretary-General at the Ministry of Foreign Affairs.

His Royal Highness the Prince of Bulgaria:

Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg.

Major Christo Hessaptchieff, Military Attaché at Belgrade.

Who, after communication of their full powers, found in good and due form have agreed on the following provisions:

Title I.—On the Maintenance of the General Peace.

Article I.

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

Title II.—On Good Offices and Mediation.

Article II.

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE III.

Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

ARTICLE IV.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE V.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE VI.

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never having binding force.

ARTICLE VII.

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

ARTICLE VIII.

The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:—

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

Title III.—On International Commissions of Inquiry.

Article IX.

In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

Article X.

The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry Convention, are decided by the Commission itself.

Article XI.

The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Article XXXII of the present convention.

Article XII.

The powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

Article XIII.

The International Commission of Inquiry communicates its Report to the conflicting Powers, signed by all the members of the Commission.

Article XIV.

The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

TITLE IV.—ON INTERNATIONAL ARBITRATION.

CHAPTER I.—*On the System of Arbitration.*

ARTICLE XV.

International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law.

ARTICLE XVI.

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

ARTICLE XVII.

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE XVIII.

The Arbitration Convention implies the engagement to submit loyally to the Award.

ARTICLE XIX.

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later, new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II.—*On the Permanent Court of Arbitration.*

ARTICLE XX.

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

ARTICLE XXI.

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

Article XXII.

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

They undertake also to communicate to the Bureau the Laws, Regulations, and documents eventually showing the execution of the awards given by the Court.

Article XXIII.

Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed as members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree on the selection in common of one or more Members.

The same person can be selected by different Powers.

The Members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment.

Article XXIV.

When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference, must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:—

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

The Members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

Article XXV.

The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

Article XXVI.

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court, may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this Tribunal.

Article XXVII.

The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of remindingn the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

Article XXVIII.

A Permanent Administrative Council, composed of the Diplomatic Representatives of the Signatory Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bureau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension or dismissal of the officials and employés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without delay the Regulations adopted by it. It furnishes them with an annual Report on the labours of the Court, the working of the administration, and the expenses.

Article XXIX.

The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

Chapter III.—*On Arbitral Procedure.*

Article XXX.

With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following Rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

Article XXXI.

The Powers who have recourse to arbitration sign a special Act ("Compromis"), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the award.

Article XXXII.

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

Article XXXIII.

When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

Article XXXIV.

The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE XXXV.

In case of the death, retirement, or disability from any cause of one of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

ARTICLE XXXVI.

The Tribunal's place of session is selected by the parties. Failing this selection the Tribunal sits at The Hague.

The place thus fixed cannot, except in case of necessity, be changed by the Tribunal without the assent of the parties.

ARTICLE XXXVII.

The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defense of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

ARTICLE XXXVIII.

The Tribunal decides on the choice of languages to be used by itself and to be authorized for use before it.

ARTICLE XXXIX.

As a general rule the arbitral procedure comprises two distinct phases; preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the members of the Tribunal and to the opposite party of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with Article XLIX.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ARTICLE XL.

Every document produced by one party must be communicated to the other party.

ARTICLE XLI.

The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

ARTICLE XLII.

When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

ARTICLE XLIII.

The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ARTICLE XLIV.

The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ARTICLE XLV.

The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defence of their case.

ARTICLE XLVI.

They have the right to raise objections and points. The decisions of the Tribunal on those points are final, and cannot form the subject of any subsequent discussion.

ARTICLE XLVII.

The members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its members in particular.

ARTICLE XLVIII.

The Tribunal is authorized to declare its competence in interpreting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

ARTICLE XLIX.

The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE L.

When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

ARTICLE LI.

The deliberations of the Tribunal take place in private. Every decision is taken by a majority of members of the Tribunal.

The refusal of a member to vote must be recorded in the *procès-verbal.*

ARTICLE LII.

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each member of the Tribunal.

Those members who are in the minority may record their dissent when signing.

ARTICLE LIII.

The award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

ARTICLE LIV.

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitely and without appeal.

ARTICLE LV.

The parties can reserve in the " Compromis " the right to demand the revision of the award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The " Compromis " fixes the period within which the demand for revision must be made.

ARTICLE LVI.

The award is only binding on the parties who concluded the " Compromis."

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the " Compromis " they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE LVII.

Each party pays its own expenses and an equal share of those of the Tribunal.

General provisions.

ARTICLE LVIII.

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

ARTICLE LIX.

The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

ARTICLE LX.

The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.

ARTICLE LXI.

In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherlands Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherlands Government, and copies of it, duly certified, be sent through the diplomatic channel to the Contracting Powers.

For Germany:
(L. S.) MUNSTER DERNEBURG.

For Austria-Hungary:
(L. S.) WELSERSHEIMB.
(L. S.) OKOLICSANYI.

For Belgium:
(L. S.) A. BEERNAERT.
(L. S.) CTE. DE GRELLE ROGIER.
(L. S.) CHR. DESCAMPS.

For China:
(L. S.) YANG YU.

For Denmark:
(L. S.) F. BILLE.

For Spain:
(L. S.) EL DUQUE DE TETUAN.
(L. S.) W. R. DE VILLA URRUTIA.
(L. S.) ARTURO DE BAGUER.

For the United States of America:
(L. S.) ANDREW D. WHITE.
(L. S.) SETH LOW.
(L. S.) STANFORD NEWEL.
(L. S.) A. T. MAHAN.
(L. S.) WILLIAM CROZIER.

Under reserve of the declaration made at the plenary sitting of the Conference on the 25th of July, 1899.

For the United Mexican States:
(L. S.) A. DE MIER.
(L. S.) J. ZENIL.
For France:
(L. S.) LÉON BOURGEOIS.
(L. S.) G. BIHOURD.
(L. S.) D'ESTOURNELLES DE CONSTANT.
For Great Britain and Ireland:
(L. S.) PAUNCEFOTE.
(L. S.) HENRY HOWARD.
For Greece:
(L. S.) N. DELYANNI.
For Italy:
(L. S.) NIGRA.
(L. S.) A. ZANNINI.
(L. S.) G. POMPILJ.
For Japan:
(L. S.) I. MOTONO.
For Luxemburg:
(L. S.) EYSCHEN.
For Montenegro:
(L. S.) STAAL.
For the Netherlands:
(L. S.) V. KARNEBEEK.
(L. S.) DEN BEER POORTUGAEL.
(L. S.) T. M. C. ASSER.
(L. S.) E. N. RAHUSEN.
For Persia:
(L. S.) MIRZA RIZA KHAN, Arfa-ud-Dovleh.
For Portugal:
(L. S.) Conde DE MACEDO.
(L. S.) AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
(L. S.) Conde DE SELIR.
For Roumania:
(L. S.) A. BELDIMAN.
(L. S.) J. N. PAPINIU.

Under the reserves formulated in Articles 16, 17 and 19 of the present Convention (15, 16 and 18 of the project presented by the Committee on Examination) and recorded in the procès-verbal of the sitting of the Third Commission of July 20, 1899.

For Russia:
(L. S.) STAAL.
(L. S.) MARTENS.
(L. S.) A. BASILY.
For Servia:
(L. S.) CHEDO MIYATOVITCH.

Under the reserves recorded in the procès-verbal of the Third Commission of July 20, 1899.

For Siam:
(L. S.) PHYA SURIYA NUVATR.
(L. S.) VISUDDHA.
For the United Kingdoms of Sweden and Norway:
(L. S.) BILDT.
For Switzerland:
(L. S.) ROTH.
For Turkey:
(L. S.) TURKHAN.
(L. S.) MEHEMED NOURY.

Under reserve of the declaration made in the plenary sitting of the Conference of July 25, 1899.

For Bulgaria:
(L. S.) D. STANCIOFF.
(L. S.) Major HESSAPTCHIEFF.

Certified as a true copy, The Secretary General of the Department of Foreign Affairs,

(L. S.) L. H. RUYSSENAERS.

THE HAGUE, *January 31, 1900.*

The said Convention was signed by the Plenipotentiaries of the United States of America under reservation of the following declaration:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions;"

In pursuance of the stipulations of Article LVIII of the said Convention the ratifications of the said Convention were deposited at The Hague on the 4th. day of September, 1900, by the Plenipotentiaries of the Governments of the United States of America, Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Persia, Portugal, Roumania, Russia, Siam, Sweden and Norway and Bulgaria; on the 6th. day of October, 1900, by the Plenipotentiary of the Government of Japan; on the 16th. day of October, 1900, by the Plenipotentiary of the Government of Montenegro; on the 29th. day of December, 1900, by the Plenipotentiary of the Government of Switzerland; on the 4th. day of April, 1901, by the Plenipotentiary of the Government of Greece; on the 17th. day of April, 1901, by the Plenipotentiary of the Government of Mexico; on the 11th day of May, 1901, by the Plenipotentiary of the Government of Servia; and on the 12th. day of July, 1901, by the Plenipotentiary of the Government of Luxembourg.

1899.[a]

Declaration as to Launching of Projectiles and Explosives.

Concluded July 29, 1899; ratification advised by Senate February 5, 1900; ratified by President April 7, 1900; ratifications deposited with Netherlands Government September 4, 1900; proclaimed November 1, 1901.

[Translation.]

DECLARATION.

The Undersigned, Plenipotentaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December) 1868,

Declare that:

The Contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

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[a] This declaration expired July 30, 1904; renewed by declaration at Second Peace Conference, p. 2366.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and by it forthwith communicated to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

For Germany:
(L. S.) MUNSTER DERNEBURG.

For Austria-Hungary:
(L. S.) WELSERSHEIMB.
(L. S.) OKOLICSANYI.

For Belgium:
(L. S.) A. BEERNAERT.
(L. S.) Cte. de GRELLE ROGIER.
(L. S.) Chr. DESCAMPS.

For China:
(L. S.) YANG YU.

For Denmark:
(L. S.) F. BILLE.

For Spain:
(L. S.) El Duque DE TETUAN.
(L. S.) W. R. DE VILLA URRUTIA.
(L. S.) ARTURO DE BAGUER.

For the United States of America:
(L. S.) ANDREW D. WHITE.
(L. S.) SETH LOW.
(L. S.) STANFORD NEWEL.
(L. S.) A. T. MAHAN.
(L. S.) WILLIAM CROZIER.

For the United States of Mexico:
(L. S.) A. DE MIER.
(L. S.) J. ZENIL.

For France:
(L. S.) LEON BOURGEOIS.
(L. S.) G. BIHOURD.
(L. S.) d'ESTOURNELLES DE CONSTANT.

For Greece:
(L. S.) N. DELYANNI.

For Italy:
(L. S.) NIGRA.
(L. S.) A. ZANNINI.
(L. S.) G. POMPILJ.

For Japan:
(L. S.) I. MOTONO.

For Luxemburg:
(L. S.) EYSCHEN.

For Montenegro:
(L. S.) STAAL.

For the Netherlands:
(L. S.) V. KARNEBEEK.
(L. S.) DEN BEER POORTUGAEL.
(L. S.) T. M. C. ASSER.
(L. S.) E. N. RAHUSEN.

For Persia:
(L. S.) MIRZA RIZA KHAN, Arfa-ud-Dovleh.
For Portugal:
(L. S.) Conde de Macedo.
(L. S.) AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
(L. S.) Conde de SELIR.
For Roumania:
(L. S.) A. BELDIMAN.
(L. S.) J. N. PAPINIU.
For Russia:
(L. S.) STAAL.
(L. S.) MARTENS.
(L. S.) A. BASILY.
For Servia:
(L. S.) CHEDO MIYATOVITCH.
For Siam:
(L. S.) PHYA SURIYA NUVATR.
(L. S.) VISUDDHA.
For the United Kingdom of Sweden and Norway:
(L. S.) BILDT.
For Switzerland:
(L. S.) ROTH.
For Turkey:
(L. S.) TURKHAN.
(L. S.) M. NOURY.
(L. S.) ABDULLAH.
(L. S.) R. MEHEMMED.
For Bulgaria:
(L. S.) D. STANCIOFF.
(L. S.) Major HESSAPTCHIEFF.

Certified as a true copy, Secretary General of the Department of Foreign Affairs,

L. H. RUYSSENAERS.

THE HAGUE, *January 31, 1900.*

In pursuance of a stipulation of the said Declaration, the ratifications thereof were deposited at the Hague on the 4th. day of September, 1900, by the Plenipotentiaries of the Governments of the United States of America, Austria-Hungary, Belgium, Denmark, Spain, France, Italy, the Netherlands, Persia, Portugal, Roumania, Russia, Siam, Sweden and Norway, and Bulgaria; on the 6th. day of October, 1900, by the Plenipotentiary of the Government of Japan; on the 16th. day of October, 1900, by the Plenipotentiary of the Government of Montenegro; on the 29th. day of December, 1900, by the Plenipotentiary of the Government of Switzerland; on the 4th. day of April, 1901, by the Plenipotentiary of the Government of Greece; on the 17th. day of April, 1901, by the Plenipotentiary of the Government of Mexico; on the 11th. day of May, 1901, by the Plenipotentiary of the Government of Servia, and on the 12th. day of July, 1901, by the Plenipotentiary of the Government of Luxembourg.

1899.[a] [b]

CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864.

Concluded July 29, 1899; ratification advised by Senate May 4, 1900; ratified by the President August 3, 1900; ratifications deposited with the Netherlands Government September 4, 1900; proclaimed November 1, 1901.

ARTICLES.

I. Military hospital ships.
II. Private hospital ships.
III. Hospital ships of neutral countries.
IV. Use of hospital ships.
V. Color; flag.
VI. Neutral vessels.
VII. Relief staffs.
VIII. Disabled prisoners.
IX. Prisoners of war.
X. Excluded.
XI. Powers bound by rules.
XII. Ratification.
XIII. Non-signatory powers.
XIV. Denunciation.

[Translation.]

CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864.[a]

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and his Royal Highness the Prince of Bulgaria.

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[a] The convention of the Second International Peace Conference, signed October 18, 1907, for the adaption to naval war of the principles of the Geneva Convention, provides: "Article XXV. The present convention duly ratified shall replace as between contracting powers the convention of the 29th July, 1899, for the adaption to maritime warfare of the principles of the Geneva Convention

"The convention of 1899 remains in force as between the powers which signed it, but which do not also ratify the present convention."

[b] Adhered to by the Argentine Republic, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, Venezuela, Honduras, and Korea.

Alike animated by the desire to diminish, as far as depends on them the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22nd August, 1864, have decided to conclude a convention to this effect:

They have, in consequence, appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia, His Excellency Count Munster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia, etc. and Apostolic King of Hungary: His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary; Mr. Alexander Okolicsanyi d'Okolicsna, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Belgians: His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Deputies; Count de Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at The Hague; the Chevalier Descamps, Senator.

His Majesty the Emperor of China: Mr. Yang Yu, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg.

His Majesty the King of Denmark: His Chamberlain Fr. E. de Bille, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen Regent of the Kingdom: His Excellency the Duke of Tetuan, formerly Minister for Foreign Affairs; M. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels; M. Arthur de Baguer, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

The President of the United States of America: Mr. Stanford Newel, Envoy Extraordinary and minister Plenipotentiary at The Hague.

The President of the United Mexican States: Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Zenil, Minister Resident at Brussels.

The President of the French Republic: M. Léon Bourgeois, formerly President of the Council, ex-Minister of Foreign Affairs, Member of the Chamber of Deputies; M. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague; Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: Sir Henry Howard, Her Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of the Hellenes: Mr. N. Delyanni, formerly President of the Council, ex-Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

His Majesty the King of Italy: His Excellency Count Nigra, His Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, His Envoy Extraordinary and Minister Plenipotentiary at The Hague; Commander Guido Pompilj, Deputy in the Italian Parliament.

His Majesty the Emperor of Japan: Mr. I. Motono, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government.

His Highness the Prince of Montenegro: His Excellency Mr. de Staal, Privy Councillor, Ambassador of Russia at London.

Her Majesty the Queen of the Netherlands: Jonkheer A. P. C. van Karnebeek, formerly Minister for Foreign Affairs, Member of the Second Chamber of the States General; General J. C. C. den Beer Poortugael, formerly Minister of War, Member of the Council of State; Mr. T. M. C. Asser, Member of the Council of State; Mr. E. N. Rahusen, Member of the First Chamber of the States General.

His Imperial Majesty the Shah of Persia: His Aid-de-camp General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Stockholm.

His Majesty the King of Portugal and of the Algarves, etc: Count Macedo, Peer of the Kingdom, formerly Minister of the Navy and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid; Mr. d'Ornellas and Vasconcellos, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg; Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the King of Roumania: Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin; Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at The Hague.

His Majesty the Emperor of all the Russias: His Excellency Mr. de Staal, Privy Councillor, His Ambassador at London; Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor; Mr. de Basily, His Councillor of State, Chamberlain, Director of the First Department of the Imperial Ministry of Foreign Affairs.

His Majesty the King of Servia: Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at The Hague.

His Majesty the King of Siam: M. Phya Suriya Nuvatr, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris; M. Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at The Hague and at London.

His Majesty the King of Sweden and Norway: Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.

The Swiss Federal Council: Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin.

His Majesty the Emperor of the Ottomans: His Excellency Turkhan Pasha, formerly Minister of Foreign Affairs, Member of His Council of State; Noury Bey, Secretary-General in the Ministry for Foreign Affairs.

His Royal Highness the Prince of Bulgaria: Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg; Major Christo Hessaptchieff, Military Attaché at Belgrade;

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE I.

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

ARTICLE II.

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

ARTICLE III.

Hospital-ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent powers at the commencement of or during hostilities, and in any case before they are employed.

ARTICLE IV.

The ships mentioned in Articles I, II, and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

During and after engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital-ships the orders they give them.

ARTICLE V.

The military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a metre and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, together with their national flag, the white flag with a red cross provided by the Geneva Convention.

ARTICLE VI.

Neutral merchantmen, yachts, or vessels, having, or taking on board, sick, wounded, or shipwrecked of the belligerents, cannot be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

ARTICLE VII.

The religious, medical, or hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE VIII.

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they belong, shall be protected and looked after by the captors.

ARTICLE IX.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other, are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated cannot serve as long as the war lasts.

ARTICLE X.

(Excluded)

ARTICLE XI.

The rules contained in the above Articles are binding only on the Contracting Powers, in case of War between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

ARTICLE XII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procés-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE XIII.

The non-Signatory Powers who accepted the Geneva Convention of the 22nd August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

ARTICLE XIV.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In testimony whereof the respective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

For Germany:
(Signed)
(L. S.) MUNSTER DERNEBURG.
(Under reserve of Article X.)

For Austria-Hungary:
(Signed)
(L. S.) WELSERHEIMB.
(L. S.) OKOLICSANYI.

For Belgium:
(Signed)
(L. S.) A. BEERNAERT.
(L. S.) CTE DE GRELLE ROGIER.
(L. S.) CHR. DESCAMPS.

For China:
(Signed)
(L. S.) YANG YU.

For Denmark:
(Signed)
(L. S.) F. BILLE.

For Spain:
(Signed)
(L. S.) EL DUQUE DE TUTUAN.
(L. S.) W. R. DE VILLA URRUTIA.
(L. S.) ARTURO DE BAGUER.

For the United States of America:
(Signed)
(L. S.) STANFORD NEWEL.
(Under reserve of Article X.)

For the United Mexican States:
(Signed)
(L. S.) A. DE MIER.
(L. S.) J. ZENIL.

For Persia:
(Signed)
(L. S.) MIRZA RIZA KHAN, Arfa-ud-Dovleh.

For Portugal:
(Signed)
(L. S.) CONDE DE MACEDO.
(L. S.) AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
(L. S.) CONDE DE SELIR.
For Roumania:
(Signed)
(L. S.) A. BELDIMAN.
(L. S.) J. N. PAPINIU.
For Russia:
(Signed)
(L. S.) STAAL.
(L. S.) MARTENS.
(L. S.) A. BASILY.
For Servia:
(Signed) (L. S.) CHEDO MIYATOVITCH.
For France:
(Signed)
(L. S.) LEON BOURGEOIS.
(L. S.) G. BIHOUBD.
(L. S.) D'ESTOURNELLES DE CONSTANT.
For Great Britain and Ireland:
(Signed)
(L. S.) HENRY HOWARD.
(Under reserve of Article X.)
For Greece:
(Signed)
(L. S) N. DELYANNI.
For Italy:
(Signed)
(L. S.) NIGRA.
(L. S.) A. ZANNINI.
(L. S.) G. POMPILJ.
For Japan:
(Signed)
(L. S.) I. MONTONO.
For Luxemburg:
(Signed)
(L. S.) EYSCHEN.
For Montenegro:
(Signed)
(L. S.) STAAL.
For the Netherlands:
(Signed)
(L. S.) V. KARNEBEEK.
(L. S.) DEN BEER POORTUGAEL.
(L. S.) T. M. C. ASSER.
(L. S.) E. N. RAHUSEN.
For Siam:
(Signed)
(L. S.) PHYA SURIYA NUVATR.
(L. S.) VISUDDHA.
For the United Kingdoms of Sweden and Norway:
(Signed) (L. S.) BILDT.
For Switzerland:
(Signed) (L. S.) Roth.
For Turkey:
(Signed)
(L. S.) TURKHAN.
(L. S.) MEHEMED NOURY.
(Under reserve of Article X.)
For Bulgaria:
(Signed)
(L. S.) D. STANCIOFF.
(L. S.) MAJOR HESSAPTCHIEFF.

Certified as a true copy, The Secretary General of the Department of Foreign Affairs,

L. H. RUYSSENAERS.

THE HAGUE, *January 31, 1900.*

In pursuance of the stipulations of Article XII of the said Convention the ratifications of the said Convention were deposited at the Hague on the 4th. day of September, 1900, by the Plenipotentiaries of the Governments of the United States of America, Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Persia, Portugal, Roumania, Russia, Siam, Sweden and Norway and Bulgaria; on the 6th. day of October, 1900, by the Plenipotentiary of the Government of Japan; on the 6th. day of October, 1900, by the Plenipotentiary of the Government of Monténégro; on the 29th. day of December, 1900, by the Plenipotentiary of the Government of Switzerland; on the 4th. day of April, 1901, by

the Plenipotentiary of the Government of Greece; on the 17th. day of April, 1901, by the Plenipotentiary of the Government of Mexico; on the 11th. day of May, 1901, by the Plenipotentiary of the Government of Servia, and on the 12th. day of July, 1901, by the Plenipotentiary of the Government of Luxembourg.

1899.[a]

Convention with Respect to the Laws and Customs of War on Land.

Concluded July 29, 1899; ratification advised by the Senate March 14, 1902; ratified by the President March 19, 1902; ratifications deposited with the Netherlands Government April 5, 1902; proclaimed April 11, 1902.

Articles.

I. Instructions to forces.
II. When binding.
III. Ratification.
IV. Nonsignatory powers.
V. Renunciation.

Annex.

Section I.—Belligerents.

Chapter I.—Qualifications of belligerents.

I. Application of laws of war.
II. Unorganized belligerents.
III. Combatants; noncombatants.

Chapter II.—Prisoners of war.

IV. Treatment.
V. Confinement.
VI. Employment.
VII. Maintenance.
VIII. Laws; regulations; recapture.
IX. False statements.
X. Parole.
XI. Parole voluntary.
XII. Recapture after parole.
XIII. Reporters, sutlers, etc.
XIV. Bureau of information.
XV. Relief society.
XVI. Postage; gifts.
XVII. Officers' pay.
XVIII. Religious freedom.
XIX. Wills.
XX. Repatriation.

Chapter III.—Sick and wounded.

XXI. Obligation of belligerents.

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[a]Adhered to by the Argentine Republic, Bolivia, Brazil, Chile, Colombia, Corea, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, Venezuela, Honduras, and Korea.

Article IV of the convention of October 18, 1907, signed at the Second International Peace Conference at The Hague provides—

"Article IV. The present convention, duly ratified, shall, as between the contracting powers, be substituted for the convention of the 29th July, 1899, respecting the laws and customs of war on land.

"The convention of 1899 remains in force as between the powers which signed it and which do not also ratify the present convention."

Section II.—Hostilities.

Chapter I.—Means of injuring enemy; sieges; bombardments.

XXII. Means of injuring enemy.
XXIII. Prohibitions.
XXIV. Obtaining information.
XXV. Attack of towns, etc.
XXVI. Warning authorities.
XXVII. Religious edifices, etc.
XXVIII. Pillage.

Chapter II.—Spies.

XXIX. Who considered spies.
XXX. Trial.
XXXI. Responsibility for previous acts.

Chapter III.—Flags of truce.

XXXII. Bearer.
XXXIII. Receiving flag.
XXXIV. Treachery.

Chapter IV.—Capitulation.

XXXV. Rules.

Chapter V.—Armistices.

XXXVI. Suspension of hostilities.
XXXVII. General and local.
XXXVIII. Notification.
XXXIX. Terms.
XL. Violation.
XLI. Punishment.

Section III.—Military authority over hostile territory.

XLII. Territory; occupation.
XLIII. Reestablishing order.
XLIV. Forced military service.
XLV. Oath.
XLVI. Rights respected.
XLVII. Pillage.
XLVIII. Taxes, dues, etc.
XLIX. Taxes for military necessities.
L. Penalty.
LI. Collection of taxes.
LII. Requisition and services.
LIII. Seizure of public cash, etc.; railways, etc.
LIV. Plant of railways.
LV. Administration.
LVI. Religious, etc., institution.

Section IV.—Internment of belligerents and care of wounded in neutral countries.

LVII. Internment in neutral state.
LVIII. Treatment.
LIX. Transit.
LX. Geneva convention.

[Translation.]

CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND.[a]

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperior of the Ottomans and His Royal Highness the Prince of Bulgaria.

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience;

They declare that it is in this sense especially that Articles I and II of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to-wit:—

His Majesty the Emperor of Germany, King of Prussia: His Excellency Count de Munster, Prince of Derneburg, His Ambassador at Paris.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Count R. de Welsersheimb, His Ambassador Extraordinary and Plenipotentiary; Mr.

Alexander Okolicsanyi d'Okolicsna, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of the Belgians: His Excellency Mr. Auguste Beernaert, His Minister of State, President of the Chamber of Representatives; Count de Grelle Rogier, His Envoy Extraordinary and Minister Plenipotentiary at the Hague; the Chevalier Descamps, Senator.

His Majesty the King of Denmark: His Chamberlain Fr. E. de Bille, His Envoy Extraordinary and Minister Plenipotentiary at London.

His Majesty the King of Spain and in His Name, Her Majesty the Queen Regent of the Kingdom: His Excellency the Duke of Tetuan, former Minister for Foreign Affairs; Mr. W. Ramirez de Villa Urrutia, His Envoy Extraordinary and Minister Plenipotentiary at Brussels; Mr. Arthur de Baguer, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

The President of the United States of America: Mr. Stanford Newell, Envoy Extraordinary and Minister Plenipotentiary at the Hague.

The President of the United Mexican States: Mr. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris; Mr. Zenil, Minister Resident at Brussels.

The President of the French Republic: Mr. Léon Bourgeois, former President of the Council, former Minister for Foreign Affairs, Member of the Chamber of Deputies; Mr. George Bihourd, Envoy Extraordinary and Minister Plenipotentiary at the Hague; the Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India: His Excellency the Right Honorable Baron Pauncefote of Preston, Member of Her Majesty's Privy Council, Her Ambassador Extraordinary and Plenipotentiary at Washington; Sir Henry Howard, Her Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of the Hellenes: Mr. N. Delyanni, former President of the Council, former Minister for Foreign Affairs, His Envoy Extraordinary and Minister Plenipotentiary at Paris.

His Majesty the King of Italy: His Excellency Count Nigra, His Ambassador at Vienna, Senator of the Kingdom; Count A. Zannini, His Envoy Extraordinary and Minister Plenipotentiary at the Hague; Commander Guido Pompilj, Deputy in the Italian Parliament.

His Majesty the Emperor of Japan: Mr. I. Motono, His Envoy Extraordinary and Minister Plenipotentiary at Brussels.

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: His Excellency Mr. Eyschen, His Minister of State, President of the Grand Ducal Government.

His Highness the Prince of Montenegro: His Excellency Mr. de Staal, Privy Councillor, Ambassador of Russia at London.

Her Majesty the Queen of the Netherlands: the Jonkheer A. P. C. van Karnebeek, former Minister of Foreign Affairs, Member of the Second Chamber of the States General; General J. C. C. den Beer Poortugael, former Minister of War, Member of the Council of State; Mr. T. M. C. Asser, Member of the Council of State; Mr. E. N. Rahusen, Member of the First Chamber of the States General.

His Imperial Majesty the Shah of Persia: His Aid-de-Camp General Mirza Riza Khan, Arfa-ud-Dovleh, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Stockholm.

His Majesty the King of Portugal and of the Algarves, etc.: Count de Macedo, Peer of the Kingdom, former Minister of Marine and of the Colonies, His Envoy Extraordinary and Minister Plenipotentiary at Madrid; Mr. d'Ornellas et Vasconcellos, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg; Count de Selir, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the King of Romania: Mr. Alexander Beldiman, His Envoy Extraordinary and Minister Plenipotentiary at Berlin; Mr. Jean N. Papiniu, His Envoy Extraordinary and Minister Plenipotentiary at the Hague.

His Majesty the Emperor of all the Russias: His Excellency Mr. de Staal, Privy Councillor, His Ambassador at London; Mr. de Martens, Permanent Member of the Council of the Imperial Ministry of Foreign Affairs, His Privy Councillor; Mr. de Basily, His Councillor of State, Chamberlain, Director of the First Department of the Imperial Ministry for Foreign Affairs.

His Majesty the King of Servia: Mr. Miyatovitch, His Envoy Extraordinary and Minister Plenipotentiary at London and at the Hague.

His Majesty the King of Siam: M. Phya Suriya Nuvatr, His Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and at Paris; M. Phya Visuddha Suriyasakti, His Envoy Extraordinary and Minister Plenipotentiary at the Hague and at London.

His Majesty the King of Sweden and Norway: the Baron de Bildt, His Envoy Extraordinary and Minister Plenipotentiary at Rome.

His Majesty the Emperor of the Ottomans: His Excellency Turkhan Pasha, former Minister of Foreign Affairs, Member of His Council of State; Noury Bey, Secretary General in the Ministry of Foreign Affairs.

His Royal Highness the Prince of Bulgaria: Dr. Dimitri Stancioff, Diplomatic Agent at St. Petersburg; Major Christo Hessaptchieff, Military Attaché at Belgrade.

Who, after communication of their full powers, found in good and due form, have agreed on the following:—

Article I.

The High Contracting Parties shall issue instructions to their armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

Article II.

The provisions contained in the Regulations mentioned in Article I are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

ARTICLE III.

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at the Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent through the diplomatic channel, to all the Contracting Powers.

ARTICLE IV.

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and by it communicated to all the other Contracting Powers.

ARTICLE V.

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherland Government, and by it at once communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at the Hague the 29th July 1899, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

For Germany:
(Signed) MUNSTER DERNEBURG.

For Austria-Hungary:
(Signed) WELSERSHEIMB.
OKOLICSANYI.

For Belgium:
(Signed) A. BEERNAERT.
CTE DE GRELLE ROGIER.
CHR DESCAMPS.

For Denmark:
(Signed) F. BILLE.

For Spain:
(Signed) EL DUQUE DE TETUAN.
W. R. DE VILLA URRUTIA.
ARTURO DE BAGUER.

For the United States of America:
(Signed) STANFORD NEWEL.

For the United Mexican States:
(Signed) M. DE MIER.
J. ZENIL.

For France:
(Signed) LEON BOURGEOIS.
G. BIHOURD.
D'ESTOURNELLES DE CONSTANT.

For Great Britain and Ireland:
(Signed) PAUNCEFOTE.
HENRY HOWARD.

For Greece:
(Signed) N. DELYANNI.

For Italy:
(Signed) NIGRA.
A. ZANNINI.
G. POMPILJ.

For Japan:
(Signed) I. MOTONO.

For Luxemburg:
(Signed) EYSCHEN.

For Montenegro:
(Signed) STAAL.

For the Netherlands:
(Signed) v. KARNEBEEK.
DEN BEER POORTUGAEL.
T. M. C. ASSER.
E. N. RAHUSEN.

For Persia:
(Signed) MIRZA RIZA KHAN, Arfa-ud-Dovleh.

For Portugal:
(Signed) CONDE DE MACEDO.
AGOSTINHO D'ORNELLAS DE VASCONCELLOS.
CONDE DE SELIR.

For Roumania:
(Signed) A. BELDIMAN.
J. N. PAPINIU.

For Russia:
(Signed) STAAL.
MARTENS.
A. BASILY.

For Servia:
(Signed) CHEDO MIYATOVITCH.

For Siam:
(Signed) PHYA SURIA NUVATR. VISUDDHIA.

For the United Kingdoms of Sweden and Norway:
(Signed) BILDT.

For Turkey:
(Signed) TURKHAN.
MEHEMED NOURY.

For Bulgaria:
(Signed) D. STANCIOFF.
MAJOR HESSAPTCHIEFF.

Certifié pour copie conforme,
Le Secrétaire Général du Département des Affaires Etrangères,
L H RUYSSENAERZ,
LA HAYE, *le 31 janvier 1900.*

[Translation.]

ANNEX TO THE CONVENTION.

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND.

SECTION I.—ON BELLIGERENTS.

CHAPTER I.—*On the Qualifications of Belligerents.*

ARTICLE I.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE II.

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with Article I, shall be regarded a belligerent, if they respect the laws and customs of war.

ARTICLE III.

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

CHAPTER II.—*On Prisoners of War.*

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers remain their property.

ARTICLE V.

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

ARTICLE VI.

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

ARTICLE VII.

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ARTICLE VIII.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping are again taken prisoners, are not liable to any punishment for the previous flight.

ARTICLE IX.

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

ARTICLE X.

Prisoners of war may be set at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfill, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ARTICLE XI.

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ARTICLE XII.

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

ARTICLE XIII.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

ARTICLE XIV.

A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of interments and changes, as well as of admissions into hospital and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, &c., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

ARTICLE XV.

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of interment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

ARTICLE XVI.

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ARTICLE XVII.

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

ARTICLE XVIII.

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

ARTICLES XIX.

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE XX.

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPTER III.—*On the Sick and Wounded.*

ARTICLE XXI.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22nd August, 1864, subject to any modifications which may be introduced into it.

SECTION II.—ON HOSTILITIES.

CHAPTER I.—*On means of injuring the Enemy, Sieges, and Bombardments.*

ARTICLE XXII.

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE XXIII.

Besides the prohibitions provided by special Conventions, it is especially prohibited:—

(a.) To employ poison or poisoned arms;

(b.) To kill or wound treacherously individuals belonging to the hostile nation or army;

(c.) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion;

(d.) To declare that no quarter will be given;

(e.) To employ arms, projectiles, or material of a nature to cause superfluous injury;

(f.) To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

(g.) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

ARTICLE XXIV.

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered allowable.

ARTICLE XXV.

The attack or bombardment of towns, villages, habitations or buildings which are not defended, is prohibited.

ARTICLE XXVI.

The Commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

ARTICLE XXVII.

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and

charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

Article XXVIII.

The pillage of a town or place, even when taken by assault, is prohibited.

Chapter II.—*On Spies.*

Article XXIX.

An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civillians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver despatches, and generally to maintain communication between the various parts of an army or a territory.

Article XXX.

A spy taken in the act cannot be punished without previous trial.

Article XXXI.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

Chapter III.—*On Flags of Truce.*

Article XXXII.

An individual is considered as bearing a flag of truce who is authorized by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flagbearer, and the interpreter who may accompany him.

Article XXXIII.

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE XXXIV.

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*On Capitulations.*

ARTICLE XXXV.

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honour.

When once settled, they must be scrupulously observed by both the parties.

CHAPTER V.—*On Armistices.*

ARTICLE XXXVI.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE XXXVII.

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ARTICLE XXXVIII.

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ARTICLE XXXIX.

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war, with the population and with each other.

ARTICLE XL.

Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ARTICLE XLI.

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III.—On Military Authority over Hostile Territory.

Article XLII.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

Article XLIII.

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

Article XLIV.

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

Article XLV.

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

Article XLVI.

Family honours and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property cannot be confiscated.

Article XLVII.

Pillage is formally prohibited.

Article XLVIII.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

Article XLIX.

If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

Article L.

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

ARTICLE LI.

No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

ARTICLE LII.

Neither requisition in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

ARTICLE LIII.

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms and, generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

ARTICLE LIV.

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

ARTICLE LV.

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

ARTICLE LVI.

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of arts or science, is prohibited, and should be made the subject of proceedings.

SECTION IV.—On the Internment of Belligerents and the Care of the Wounded in Neutral Countries.

Article LVII.

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

Article LVIII.

Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

Article LIX.

A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

Article LX.

The Geneva Convention applies to sick and wounded interned in neutral territory.

In pursuance of the stipulations of Article III of the said Convention the ratifications of the said Convention were deposited at The Hague on the 4th day of September, 1900, by the Plenipotentiaries of the Governments of Germany, Austria-Hungary, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Persia, Portugal, Roumania, Russia, Siam, and Bulgaria; on the 6th day of October, 1900, by the Plenipotentiary of the Government of Japan; on the 16th day of October, 1900, by the Plenipotentiary of the Government of Montenegro; on the 4th day of April, 1901, by the Plenipotentiary of the Government of Greece; on the 17th of April, 1901, by the Plenipotentiary of the Government of Mexico; on the 11th day of May, 1901, by the Plenipotentiary of the Government of Servia; on the 12th day of July, 1901, by the Plenipotentiary of the Government of Luxemburg; and on the 5th day of April, 1902, by the Plenipotentiary of the Government of the United States of America.

Note: The foregoing concludes the treaties negotiated at the First Hague Peace Conference.

1902.

Convention Between the United States and Other Powers on Literary and Artistic Copyrights.

Signed at City of Mexico January 27, 1902; ratification advised by the Senate January 31, 1908; ratified by the President March 16, 1908; ratification of the United States deposited with the Government of Mexico March 31, 1908; proclaimed April 9, 1908.

Articles.

I. Constitution of a Union.
II. Definition of "Literary and Artistic copyrights."
III. Effect of copyright.
IV. Obtaining recognition of copyright.
V. Reciprocal rights of authors.
VI. Country of origin.
VII. Translations.
VIII. Newspapers.
IX. In whose favor recognized.
X. Addresses.
XI. Fragments of literary works.
XII. Unauthorized indirect use of literary works.
XIII. Fraudulent works liable to sequestration.
XIV. Rights of individual governments.
XV. Effect.
XVI. Deposit of ratifications.

Convention on Literary and Artistic Copyrights.

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the Mexican United States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

For the Argentine Republic.—His Excellency Antonio Bermejo, His Excellency Martín García Mérou, His Excellency Lorenzo Anadón.

For Bolivia.—His Excellency Fernando E. Guachalla.

For Colombia.—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

For Costa Rica.—His Excellency Joaquín Bernardo Calvo.

For Chili.—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

For the Dominican Republic.—His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

For Ecuador.—His Excellency Luis Felipe Carbo.

For El Salvador.—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

For the United States of America.—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

For Guatemala.—His Excellency Antonio Lazo Arriaga, His Excellency Colonel Francisco Orla.

For Haiti.—His Excellency J. N. Léger.

For Honduras.—His Excellency José Leonard, His Excellency Fausto Dávila.

For Mexico.—His Excellency Genaro Raigosa, His Excellency Joaquin D. Casasus, His Excellency José López-Portillo y Rojas, His Excellency Emilio Pardo, Jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

For Nicaragua.—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

For Paraguay.—His Excellency Cecilio Baez.

For Peru.—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

For Uruguay.—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to celebrate a Convention on literary and artistic copyrights, in the following terms:

ART. 1ST. The signatory States constitute themselves into a Union for the purpose of recognizing and protecting the rights of literary and artistic property, in conformity with the stipulations of the present Convention.

ART. 2ND. Under the term "Literary and Artistic works," are comprised books, manuscripts, pamphlets of all kinds, no matter on what subject they may treat of and what may be the number of their pages; dramatic or melodramatic works; choral music and musical compositions, with or without words, designs, drawings, paintings, sculpture, engravings, photographic works; astronomical and geographical globes; plans, sketches and plastic works relating to geography or geology, topography or architecture, or any other science; and finally, every production in the literary and artistic field, which may be published by any method of impression or reproduction.

ART. 3RD. The copyright to literary or artistic work, consists in the exclusive right to dispose of the same, to publish, sell and translate the same, or to authorize its translation, and to reproduce the same in any manner, either entirely or partially.

The authors belonging to one of the signatory countries, or their assigns, shall enjoy in the other signatory countries, and for the time stipulated in art. 5th., the exclusive right to translate their works, or to authorize their translation.

ART. 4TH. In order to obtain the recognition of the copyright of a work, it is indispensable that the author or his assigns, or legitimate representative, shall address a petition to the official Department, which each government may designate, claiming the recognition of such right, which petition must be accompanied by two copies of his work, said copies to remain in the proper Department.

If the author, or his assigns, should desire that his copyright be recognized in any other of the signatory countries, he shall attach

to his petition a number of copies of his work, equal to that of the countries he may therein designate. The said Department shall distribute the copies mentioned among those countries, accompanied by a copy of the respective certificate, in order that the copyright of the author may be recognized by them.

Any omissions in which the said Department may incur in this respect, shall not give the author, or his assigns, any rights to present claims against the State.

ART. 5TH. The authors who belong to one of the signatory countries, or their assigns, shall enjoy in the other countries the rights which their respective laws at present grant, or in the future may grant, to their own citizens, but such right shall not exceed the term of protection granted in the country of its origin.

For the works composed of several volumes, which are not published at the same time, as well as for bulletins or instalments of publications of literary or scientific societies, or of private parties, the term of property shall commence to be counted from the date of the publication of each volume, bulletin or instalment.

ART. 6TH. The country in which a work is first published, shall be considered as the country of its origin, or, if such publication takes place simultaneously in several of the signatory countries, the one whose laws establish the shortest period of protection shall be considered as the country of its origin.

ART. 7TH. Lawful translations shall be protected in the same manner as original works. The translators of works, in regard to which there exists no guaranteed right of property, or the right of which may have become extinguished, may secure the right of property for their translations, as established in article 3rd., but they shall not prevent the publication of their translations of the same work.

ART. 8TH. Newspaper articles may be reproduced, but the publication from which they are taken must be mentioned, and the name of the author given, if it should appear in the same.

ART. 9TH. Copyright shall be recognized in favor of the persons, whose names, or acknowledged pseudonyms, are stated in the respective literary or artistic work, or in the petition to which Article 4th. of this Convention refers, excepting case of proof to the contrary.

ART. 10TH. Addresses delivered or read in deliberative assemblies, before the Courts of Justice and in public meetings, may be published in the newspaper press without any special authorization.

ART. 11TH. The reproduction in publications devoted to public instruction or chrestomathy, of fragments of literary or artistic works, confers no right of property, and may therefore be freely made in all the signatory countries.

ART. 12TH. All unauthorized indirect use of a literary or artistic work, which does not present the character of an original work, shall be considered as an unlawful reproduction.

It shall be considered in the same manner unlawful to reproduce, in any form, an entire work, or the greater part of the same, accompanied by notes or commentaries, under the pretext of literary criticism, or of enlargement or complement of an original work.

ART. 13TH. All fraudulent works shall be liable to sequestration in the signatory countries in which the original work may have the right of legal protection, without prejudice to the indemnities or

punishments, to which the falsifiers may be liable according to the laws of the country, in which the fraud has been committed.

ART. 14TH. Each one of the Governments of the signatory countries shall remain at liberty to permit, exercise vigilance over, or prohibit, the circulation, representation and exposition of any work or production, in respect to which the competent authorities shall have power to exercise such right.

ART. 15TH. The present Convention shall take effect between the signatory States that ratify it, three months from the day they communicate their ratification to the Mexican Government, and shall remain in force among all of them until one year from the date it is denounced by any of said States. The notification of such denouncement shall be addressed to the Mexican Government and shall only have effect in so far as regards the country which has given it.

ART. 16TH. The Governments of the signatory States, when approving the present Convention, shall declare whether they accept the adherence to the same by the nations who have had no representation in the Second International American Conference.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic

(Signed.) ANTONIO BERMEJO.
(") LORENZO ANADON.

For Bolivia

(") FERNANDO E. GUACHALLA.

For Colombia

(") RAFAEL REYES.

For Costa Rica

(") J. B. CALVO.

For Chili

(") AUGUSTO MATTE.
(") JOAQ. WALKER M.
(") EMILIO BELLO C.

For the Dominican Republic

(Signed.) FED. HENRIQUEZ I CARVAJAL.

For Ecuador

(") L. F. CARBO.

For El Salvador

(") FRANCISCO A. REYES.
(") BALTASAR ESTUPINIAN.

For the United States of America

(Signed.) W. I. BUCHANAN.
(") CHARLES M. PEPPER.
(") VOLNEY W. FOSTER.

For Guatemala

(") FRANCISCO ORLA.

For Haiti		
	(Signed.)	J. N. LÉGER.
For Honduras		
	(")	J. LEONARD.
	(")	F. DAVILA.
For Mexico		
	(")	G. RAIGOSA.
	(")	JOAQUIN D. CASASUS.
	(")	E. PARDO, JR.
	(")	JOSÉ LOPEZ-PORTILLO Y ROJAS.
	(")	PABLO MACEDO.
	(")	F. L. DE LA BARRA.
	(")	ALFREDO CHAVERO.
	(")	M. SANCHEZ MARMOL.
	(")	ROSENDO PINEDA.
For Nicaragua		
	(")	F. DAVILA
For Paraguay		
	(")	CECILIO BAEZ.
For Peru		
	(")	MANUEL ALVAREZ CALDERON.
	(")	ALBERTO ELMORE.
For Uruguay		
	(")	JUAN CUESTAS.

Es copia del original que ha sido depositado en el Ministero de Relaciones Exteriores de los Estados Unidos Mexicanos.

México, Marzo 15 de 1902.

El Ministro de Relaciones Exteriores.

[SEAL] IGNS. MARISCAL.

1902.

TREATY BETWEEN THE UNITED STATES AND CERTAIN POWERS FOR THE ARBITRATION OF PECUNIARY CLAIMS.[a]

Concluded January 30, 1902; ratification advised by the Senate January 11, 1905; ratified by the President January 28, 1905; proclaimed March 24, 1905.

ARTICLES.

I. Claims to be submitted.
II. To be submitted to the Hague Tribunal.
III. On what countries treaty obligatory.
IV. Special tribunal.
V. Ratification.

Treaty of Arbitration for Pecuniary Claims.

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, Dominican Republic, Ecuador, El

[a] Proclamation of President of 24th March, 1905, declares that Guatemala, Salvador, Peru, and Honduras ratified this convention.

Signed by Mexico June 30, 1902. Since the proclamation of this convention by the President on March 24, 1905, the convention has been ratified by Mexico, Colombia, and Costa Rica.

Salvador, the United States of America, Guatemala, Hayti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

For the Argentine Republic.—Their Excellencies Antonio Bermejo, Martín García Mérou, Lorenzo Anadon.

For Bolivia.—His Excellency Fernando E. Guachalla.

For Colombia.—Their Excellencies Carlos Martinez Silva, General Rafael Reyes.

For Costa Rica.—His Excellency Joaquin Bernardo Calvo.

For Chili.—Their Excellencies Alberto Blest Gana, Emilio Bello Codecido, Joaquin Walker Martinez, Augusto Matte.

For the Dominican Republic.—Their Excellencies Federico Henriquez y Carvajal, Luis Felipe Carbo, Quintin Gutierrez.

For Ecuador.—His Excellency Luis Felipe Carbo.

For El Salvador.—Their Excellencies Francisco A. Reyes, Baltasar Estupinián.

For the United States of America.—Their Excellencies Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, John Barrett.

For Guatemala.—Their Excellencies Antonio Lazo Arriaga, Colonel Francisco Orla.

For Hayti.—His Excellency J. N. Léger.

For Honduras.—Their Excellencies José Leonard, Fausto Dávila.

For Mexico.—Their Excellencies Genaro Raigosa, Joaquín D. Casasús, José López Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

For Nicaragua.—His Excellency Luis F. Corea, His Excellency Fausto Davila.

For Paraguay.—His Excellency Cecilio Baez.

For Peru.—Their Excellencies Isaac Alzamora, Alberto Elmore, Manuel Alvarez Calderón.

For Uruguay.—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed, to celebrate a Treaty to submit to the decision of arbitrators Pecuniary Claims for damages that have not been settled by diplomatic channel, in the following terms:

ART. 1. The High Contracting Parties agree to submit to arbitration all claims for pecuniary loss or damage which may be presented by their respective citizens, and which cannot be amicably adjusted through diplomatic channels and when said claims are of sufficient importance to warrant the expenses of arbitration.

ART. 2. By virtue of the faculty recognized by Article 26 of the Convention of The Hague for the pacific settlement of international disputes, the High Contracting Parties agree to submit to the decision

of the permanent Court of Arbitration established by said Convention, all controversies which are the subject matter of the present Treaty, unless both Parties should prefer that a special jurisdiction be organized, according to Article 21 of the Convention referred to.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the said Convention, in so far as they relate to the organization of the Arbitral Tribunal, and with regard to the procedure to be followed, and to the obligation to comply with the sentence.

ART. 3. The present Treaty shall not be obligatory except upon those States which have subscribed to the Convention for the pacific settlement of international disptues, signed at The Hague, July 29, 1899, and upon those which ratify the Protocol unanimously adopted by the Republics represented in the Second International Conference of American States, for their adherence to the Conventions signed at The Hague, July 29, 1899.

ART. 4. If, for any cause whatever, the Permanent Court of The Hague should not be opened to one or more of the High Contracting Parties, they obligate themselves to stipulate, in a special Treaty, the rules under which the Tribunal shall be established, as well as its form of procedure, which shall take cognizance of the questions referred to in article 1. of the present Treaty.

ART. 5. This Treaty shall be binding on the States ratifying it, from the date on which five signatory governments have ratified the same, and shall be in force for five years. The ratification of this Treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratifications it may receive.

In testimony whereof the Plenipotentiaries and Delegates also sign the present Treaty, and affix the seal of the Second International American Conference.

Made in the City of Mexico the thirtieth day of January nineteen hundred and two, in three copies, written in Spanish, English and French, respectively, which shall be deposited with the Secretary of Foreign Relations of the Mexican United States, so that certified copies thereof be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic,
ANTONIO BERMEJO.
LORENZO ANADON.
For Bolivia,
FERNANDO E. GUACHALLA.
For Colombia,
RAFAEL REYES.
For Costa Rica,
J. B. CALVO.
For Chili,
AUGUSTO MATTE.
JOAQ. WALKER M.
EMILIO BELLO C.
For the Dominican Republic,
FED. HENRIQUEZ I CARVAJAL.

For Ecuador,
L. F. Carbo.
For El Salvador,
Francisco A. Reyes.
Baltasar Estupinian.
For the United States of America:
W. I. Buchanan.
Charles M. Pepper.
Volney W. Foster.
For Guatemala,
Francisco Orla.
For Hayti,
J. N. Léger.
For Honduras,
J. Leonard.
F. Dávila.
For Mexico,
G. Raigosa.
Joaquin D. Casasus.
E. Pardo, jr.
José Lopez Portillo y Rojas.
Pablo Macedo.
F. L. de la Barra.
Alfredo Chavero.
M. Sanchez Marmol.
Rosendo Pineda.
For Nicaragua,
F. Dávila.
For Paraguay,
Cecilio Baez.
For Peru,
Manuel Alvarez Calderon.
Alberto Elmore.
For Uruguay,
Juan Cuestas.

Es copia del original que ha sido depositado en la Secretaría de Relaciones Exteriores de los Estados Unidos Mexicanos.

México, Marzo 15 de 1902.

El Ministro de Relaciones Exteriores.

[SEAL] IGNO. MARISCAL

1903.

INTERNATIONAL SANITARY CONVENTION.[a]

Concluded December 3, 1903; ratification advised by the Senate March 1, 1905; ratified by the President August 3, 1905; ratifications deposited April 6, 1907; proclaimed May 18, 1907.

(The original convention is in the French language. The following translation is taken from the President's proclamation.)

ARTICLES.

TITLE I.—GENERAL PROVISIONS.

CHAPTER I.—*Rules to be observed by the countries signing the convention as soon as plague or cholera appears in their territory.*

SECTION 1.—*Notification and subsequent communications to the other countries.*

1. Notification.
2. What to contain.
3. Where to be sent.
4. Regular additional communications.
5. Prompt execution of foregoing.
6. Special arrangements.

SECTION II.—*Conditions which warrant the consideration of a territorial area as being contaminated or as having again become healthy.*

7. Contaminated areas.
8. Definition of areas.
9. When area not contaminated.

CHAPTER II.—*Measures of defense by other countries against territories declared to be contaminated.*

SECTION 1.—*Publication of the prescribed measures.*

10. Publication of measures.

SECTION II.—*Merchandise-disinfection-importation and transit-baggage.*

11. Merchandise capable of transmitting.
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36. Regulations, equipment in large maritime ports.

[a] Proclamation of President recites that this convention was ratified by the governments aforesaid (signatories) with the exception of Spain, Greece, Portugal, Servia, and Egypt; and that the ratification of the United States was deposited with the following declaration: "That there is occasion to substitute in the United States 'observation' for 'surveillance' in the cases contemplated in Article 21 and following articles, by reason of the special legislation of the several States of the Union."

Since the proclamation of this convention by the President, on May 18, 1907, the convention has been ratified by Spain and adhered to by Sweden, Gambia, Leeward Islands, South Nigeria, Jamaica, Falkland Islands, Orange River Colony, India, Mexico, and Australia.

The convention has been denounced by the Netherlands with respect to the Dutch West Indies.

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[Translation.]

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, and Apostolic King of Hungary, etc.; His Majesty the King of the Belgians; the President of the Republic of the United

States of Brazil; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, and of British territories beyond the seas, and Emperor of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Royal Highness the Grand Duke of Luxemburg; His Royal Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; the Swiss Federal Council, and His Highness the Khedive of Egypt, acting within the limits of the powers conferred upon him by the imperial firmans,

Having deemed it expedient to establish in a single arrangement the measures calculated to safeguard the public health against the invasion and propagation of plague and cholera, and desiring to revise and supplement the international sanitary conventions at present in force, have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia,

Count de Groeben, Counselor of Legation and First Secretary in the Imperial Embassy of Germany at Paris;

M. Bumm, Superior Privy Government Counselor, Member of the Board of Health of the Empire;

Doctor Gaffky, Privy Medical Counselor of the Grand Duchy of Hesse and Professor at the University of Giessen, Member of the Board of Health of the Empire;

Doctor Nocht, Physician of the Port of Hamburg, Member of the Board of Health of the Empire;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolic King of Hungary,

M. le Chevalier Alexandre de Suzzara, Chief of Section in the Imperial and Royal Ministry of Foreign Affairs, Commander of the Order of Francis Joseph, Third-class Knight of the Order of the Iron Crown;

M. Noël Ebner d'Ebenthal, President of the Imperial and Royal Maritime Department at Triest, Knight of the Orders of Leopold and Francis Joseph;

M. Joseph Daimer, Counselor in the Imperial and Royal Ministry of the Interior, Third-class Knight of the Order of the Iron Crown, Knight of the Order of Francis Joseph;

M. Kornel Chyzer, Counselor in the Hungarian Ministry of the Interior, Knight of the Orders of Leopold and Francis Joseph;

M. Ernest Roediger, Counselor of Section;

His Majesty the King of the Belgians,

M. Beco, Chief Clerk of the Ministry of Agriculture, in charge of the general direction of the public health and hygienic service, Commander of the Order of Leopold, decorated with the Civic Cross of the third class;

The President of the Republic of the United States of Brazil,

M. G. de Piza, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic;

His Majesty the King of Spain,

M. Fernand Jordan de Urries y Ruiz de Arana, Marquis de Novallas, Chamberlain of His Majesty, First Secretary of the Royal Embassy of Spain at Paris, Commander of the Order of Charles III;

The President of the United States of America,

Dr. H. D. Geddings, Assistant Surgeon General of the Medical Service and of the Marine Hospital;

Mr. Frank Anderson, Medical Inspector of the Navy;

The President of the French Republic,

M. Camille Barrère, Ambassador of the French Republic near H. M. the King of Italy, Grand Officer of the National Order of the Legion of Honor;

M. Georges Louis, Minister Plenipotentiary of the 1st class, Director of Consulates and Commercial Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

Professor Brouardel, Honorary Dean of the Faculty of Medicine of Paris, President of the Advisory Board on Public Hygiene of France, member of the Institute and of the Academy of Medicine, Grand Officer of the National Order of the Legion of Honor;

M. Henri Monod, Counselor of State, Director of Public Assistance and Hygiene in the Ministry of the Interior, member of the Academy of Medicine, Commander of the National Order of the Legion of Honor;

Doctor Émile Roux, Subdirector of the Pasteur Institute, Vice President of the Advisory Board of Public Hygiene of France, member of the Academy of Sciences and of the Academy of Medicine, Commander of the National Order of the Legion of Honor;

M. Jacques de Cazotte, Subdirector of Consular Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories beyond the Seas, Emperor of India,

Mr. Maurice William Ernest de Bunsen, Minister Plenipotentiary, acting as First Secretary of the Royal British Embassy at Paris, Commander of the Royal Order of Victoria, Companion of the Order of the Bath;

Dr. Theodore Thomson, of the Local Government Board;

Dr. Frank Gerard Clemow, Delegate of Great Britain to the Superior Board of Health of Constantinople;

Mr. Arthur David Alban, Consul of His Britannic Majesty at Cairo;

His Majesty the King of the Hellenes,

M. Delyanni, His Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, Grand Commander of the Royal Order of the Savior;

Doctor S. Clado, physician of the Royal Greek Legation at Paris;

His Majesty the King of Italy,

Commander Rocco Santoliquido, Director General of Public Health of Italy;

Marquis Paulucci de' Calboli, Counselor at the Royal Embassy of Italy at Paris;

M. le Chevalier Adolphe Cotta, Chief of the Bureau of General Affairs under the General Bureau of Public Health of Italy;

His Royal Highness the Grand Duke of Luxemburg,

M. Vannerus, Chargé d'Affaires of Luxemburg at Paris;

His Royal Highness the Prince of Montenegro,

M. le Chevalier Alexandre de Suzzara, Chief of Section in the Imperial and Royal Ministry of Foreign Affairs of Austria-Hungary, Commander of the Order of Francis Joseph, Third-class Knight of the Order of the Iron Crown;

Her Majesty the Queen of the Netherlands,

Baron W. B. R. de Welderen Rengers, Counselor of the Royal Legation of the Netherlands at Paris;

Doctor W. P. Ruijsch, Inspector General of the Sanitary Service in South Holland and Zealand, member of the Superior Board of Hygiene;

Doctor C. Stekoulis, delegate of the Netherlands to the Superior Board of Health of Constantinople;

M. A. Plate, President of the Chamber of Commerce of Rotterdam, extraordinary member of the Superior Board of Hygiene;

His Majesty the Shah of Persia,

General Nazare Aga Yémines-Saltané, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, possessor of the portrait of the Shah in diamonds, Grand Cordon of the Order of the Lion and of the Sun in diamonds;

His Majesty the King of Portugal and the Algarves,

Doctor José Joaquim da Silva Amado, of His Very Faithful Majesty's Council, professor in the Institute of Hygiene of Lisbon, Vice President of the Royal Academy of Sciences, Commander of the Order of Saint James;

His Majesty the King of Roumania,

M. Grégoire G. Ghika, his Envoy Extraordinary and Minister Plenipotentiary near the President of the French Republic, Grand Officer of the Order of the Star of Roumania, Grand Officer of the Order of the Roumanian Crown;

Doctor Jean Cantacuzene, member of the Superior Board of Health of Roumania;

His Majesty the Emperor of all the Russias,

M. Platon de Waxel, Actual Counselor of State, Grand Cordon of the Order of Saint Stanislaus;

His Majesty the King of Servia,

Doctor Michel Popovitch, chargé d'affaires of Servia at Paris;

The Swiss Federal Council,

M. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation near the President of the French Republic;

Doctor F. Schmid, Director of the Federal Health Bureau;

and His Highness the Khedive of Egypt,

Mohamed Chérif Pacha, Assistant Secretary of State for Foreign Affairs, Grand Cordon of the Order of the Medjidie, grand Officer of the Order of the Osmanie;

Doctor Marc Armand Ruffer, President of the Sanitary, Maritime, and Quarantine Board of Egypt, Grand Officer of the Orders of the Osmanie and the Medjidie;

Who, having exchanged their full powers, found in good and due form, have agreed to the following provisions:

TITLE I.—GENERAL PROVISIONS.

CHAPTER I.—*Rules to be observed by the countries signing the convention as soon as plague or chlorea appears in their territory.*

SECTION I.—*Notification and subsequent communications to the other countries.*

ARTICLE 1. Each government shall immediately notify the other governments of the first appearance in its territory of authentic cases of plague or cholera.

ARTICLE 2. This notification shall be accompanied, or very promptly followed, by particulars regarding:

1. The neighborhood in which the disease has appeared.
2. The date of its appearance, its origin, and its form.
3. The number of established cases and the number of deaths.
4. In case of plague: The existence of plague or of an unusual mortality among rats and mice.
5. The measures immediately taken following this first appearance.

ARTICLE 3. The notification and particulars contemplated in Articles 1 and 2 shall be sent to the diplomatic or consular offices in the capital of the infected country.

In the case of countries not represented there, they shall be transmitted directly by telegraph to the governments of such countries.

ARTICLE 4. The notification and particulars contemplated in Articles 1 and 2 shall be followed by further communications sent regularly so as to keep the governments informed of the progress of the epidemic.

These communications, which shall be sent at least once a week and shall be as complete as possible, shall indicate more particularly the precautions taken to prevent the spread of the disease.

They shall specify: 1 The prophylactic measures applied with regard to sanitary or medical inspection, to isolation, and to disinfection; 2 the measures enforced upon the departure of vessels to prevent the exportation of the disease, and especially, in the case contemplated under No. 4 of Article 2 above, the measures taken against rats.

ARTICLE 5. The prompt and faithful execution of the foregoing provisions is of prime importance.

The notifications are of no real value unless each government is itself opportunely informed of cases of plague and cholera and of doubtful cases occurring in its territory. It can not therefore be too strongly recommended to the various governments that they make compulsory the announcement of cases of plague and cholera and that they keep themselves informed of any unusual mortality among rats and mice, especially in ports.

ARTICLE 6. It is understood that neighboring countries reserve the right to make special arrangements with a view to organizing a service of direct information among the heads of frontier departments.

SECTION II.—*Conditions which warrant the consideration of a territorial area as being contaminated or as having become healthy.*

ARTICLE 7. The notification of a single case of plague or cholera shall not involve the application, against the territorial area in which it has occurred, of the measures prescribed in Chapter II hereinbelow.

However, when several unimported cases of plague have appeared or when the cholera cases become localized, the area shall be declared contaminated.

ARTICLE 8. In order to limit the measures to the stricken regions alone, the governments shall only apply them to arrivals from the contaminated areas.

By the word *area* is meant a portion of territory definitely specified in the particulars which accompany or follow the notification; for instance, a province, a government, a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a polder, a hamlet, etc., whatever be the area and population of these portions of territory.

However, this restriction to the contaminated area shall only be accepted upon the formal condition that the government of the contaminated country take the necessary measures 1 to prevent the exportation of the articles enumerated under Nos. 1 and 2 of Article 12 and coming from the contaminated area, unless they are previously disinfected, and 2 to combat the spread of the epidemic.

When an area is contaminated, no restrictive measure shall be taken against arrivals from such area if such arrivals have left it at least five days before the beginning of the epidemic.

ARTICLE 9. In order that an area may be considered as being no longer contaminated, it must be officially ascertained:

1. That there has been neither a death nor a new case of plague or cholera within five days after the isolation,[a] death, or cure of the last plague or cholera patient.

2. That all the measures of disinfection have been applied, and, in the case of plague, that the measures against rats have been executed.

CHAPTER II.—*Measures of defense by other countries against territories declared to be contaminated.*

SECTION 1.—*Publication of the prescribed measures.*

ARTICLE 10. The government of each country is obliged to immediately publish the measures which it believes necessary to prescribe with regard to arrivals from a contaminated country or territorial area.

It shall at once communicate this publication to the diplomatic or consular officer of the contaminated country residing in its capital, as well as to the international boards of health.

It shall likewise be obliged to make known through the same channels the revocation of these measures or any modifications which may be made therein.

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[a] By "isolation" is meant the isolation of the patient, and of the persons attending him permanently, and the prohibition of visits by any other person.

In default of a diplomatic or consular office in the capital, the communications shall be made directly to the government of the country concerned.

SECTION II.—*Merchandise—Disinfection—Importation and Transit—Baggage.*

ARTICLE 11. No merchandise is capable by itself of transmitting plague or cholera. It only becomes dangerous when contaminated by plague or cholera products.

ARTICLE 12. Disinfection shall only be applied to merchandise and articles which the local health authority considers to be contaminated.

However, the merchandise or articles enumerated below may be subjected to disinfection or even prohibited entry independently of any proof that they are or are not contaminated:

1. Body linen, clothing worn (wearing apparel), and bedding which has been used.

When these articles are being transported as baggage or as a result of a change of residence (household goods), they shall not be prohibited and are subject to the provisions of Article 19.

Packages left by soldiers and sailors and returned to their country after death are treated the same as the articles comprised in the first paragraph of No. 1.

2. Rags (including those for making paper), with the exception, as to cholera, of compressed rags transported as wholesale merchandise in hooped bales.

Fresh waste coming directly from spinning mills, weaving mills, manufactories, or bleacheries; artificial wools (shoddy), and fresh paper trimmings shall not be forbidden.

ARTICLE 13. The transit of the merchandise and articles specified under Nos. 1 and 2 of the preceding article shall not be prohibited if they are so packed that they can not be manipulated en route.

Likewise, when the merchandise or articles are transported in such a manner that it is impossible for them to have been in contact with contaminated articles en route, their transit across an infected territorial area shall not constitute an obstacle to their entry into the country of destination.

ARTICLE 14. The merchandise and articles specified under Nos. 1 and 2 of Article 12 shall not be subject to the application of the measures prohibiting entry if it is proven to the authorities of the country of destination that they were shipped at least five days before the beginning of the epidemic.

ARTICLE 15. The mode and place of disinfection, as well as the methods to be employed for the destruction of rats, shall be determined by the authorities of the country of destination. These operations should be performed in such a manner as to cause the least possible injury to the articles.

It shall devolve upon each Nation to determine the question as to the possible payment of damages as a result of disinfection or of the destruction of rats.

If, on the occasion of the taking of measures for the destruction of rats on board vessels, the health authorities should levy a tax either directly or through a society or private individual, the rate of such tax must be fixed by a tariff published in advance and so calculated that

no profit shall be derived by the Nation or the Health Department from its application as a whole.

ARTICLE 16. Letters and correspondence, printed matter, books, newspapers, business papers, etc. (parcels post not included) shall not be subjected to any restriction or disinfection.

ARTICLE 17. Merchandise, arriving by land or by sea, shall not be detained at frontiers or in ports.

The only measures which it is permissible to prescribe with regard to them are specified in Article 12 hereinabove.

However, if merchandise arriving by sea in bulk or in defective bales has been contaminated during the passage by rats known to be stricken with plague, and if it can not be disinfected, the destruction of the germs may be insured by storing it in a warehouse for a maximum period of two weeks.

It is understood that the application of this last measure shall not entail any delay upon the vessel or any extra expense as a result of the lack of warehouses in the ports.

ARTICLE 18. When merchandise has been disinfected by applying the provisions of Article 12, or temporarily warehoused in accordance with the third paragraph of Article 17, the owner or his representative shall be entitled to demand from the health authority who has ordered the disinfection or storage, a certificate setting forth the measures taken.

ARTICLE 19. *Baggage.*—The disinfection of the soiled linen, wearing apparel, and articles of baggage or furniture (household goods) coming from a territorial area declared to be contaminated shall only take place in cases when the health authority considers them to be contaminated.

SECTION III.—*Measures in ports and at maritime frontiers.*

ARTICLE 20. *Classification of vessels.*—A vessel is considered as *infected* which has plague or cholera on board, or which has presented one or more cases of plague or cholera within seven days.

A vessel is considered as *suspicious* on board of which there were cases of plague or cholera at the time of departure or have been during the voyage, but on which there have been no new cases within seven days.

A vessel is considered as *uninfected* which, although coming from an infected port, has had neither death nor any cause of plague or cholera on board either before departure, during the voyage, or at the time of arrival.

ARTICLE 21. Ships *infected with plague* shall be subjected to the following measures:

1. Medical inspection.
2. The patients shall be immediately landed and isolated.
3. The other persons shall also be landed, if possible, and subjected, from the date of their arrival, either to an observation [a] which shall not

[a] By "observation" is meant the isolation of the passengers, either on board a vessel or at a sanitary station, before they are granted pratique.

exceed five days and may be followed or not by a surveillance [a] of five days at most, or simply to a surveillance not to exceed ten days.

It is within the discretion of the health authority of the port to apply whichever of these measures appears preferable to him according to the date of the last case, the condition of the vessel, and the local possibilities.

4. The soiled linen, wearing apparel, and other articles of the crew [b] and passengers which are considered by the health authority as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by persons stricken with plague or which are considered by the health authority as being contaminated shall be disinfected.

6. The destruction of the rats on the vessel shall take place before or after the discharge of the cargo as rapidly as possible, and at all events within a maximum period of forty-eight hours, avoiding injury to the cargo, the plating, and the engines.

In the case of vessels in ballast, this operation shall be performed as soon as possible before taking on cargo.

ARTICLE 22. Vessels *suspected of plague* shall be subjected to the measures indicated under Nos. 1, 4, and 5 of Article 21.

Moreover, the crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. The landing of the crew may be forbidden during the same period except in connection with the service.

It is recommended that the rats on the vessel be destroyed. This destruction should be effected before or after the discharge of cargo as rapidly as possible, and at all events within a maximum period of forty-eight hours, avoiding injury to the merchandise, plating, and engines.

In case of vessels in ballast, this operation shall be performed, if there is occasion for it, as soon as possible and at all events before taking on cargo.

ARTICLE 23. Vessels *uninfected with plague* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures which the authority of the port of arrival may prescribe with regard to them shall be the following:

1. Medical inspection.

2. Disinfection of the soiled linen, wearing apparel, and other articles of the crew and passengers, but only in exceptional cases when the health authority has special reason to believe that they are contaminated.

3. Although not to be adopted as a general rule, the health authority may subject vessels coming from a contaminated port to an operation designed to destroy the rats on board, either before or after the discharge of the cargo. This operation should take place as soon as possible and should not in any event last more than twenty-four

[a] By "surveillance" is meant that the passengers are not isolated and that they immediately obtain pratique, but that the attention of the authorities is called to them wherever they go and that they are subjected to a medical examination to ascertain the state of their health.

[b] The term "crew" is applied to all persons who form or have formed part of the crew or of the servants on board the vessel, including stewards, waiters, "cafedji," etc. The term is to be construed in this sense wherever employed in the present Convention.

hours, avoiding injury to the cargo, plating, and engines, and avoiding hindrance to the movement of the passengers and crew between the vessel and the shore. In case of vessels in ballast, this operation, if there is occasion for it, should take place as soon as possible and at all events before taking on cargo.

When a vessel hailing from a contaminated port has been subjected to an operation for the destruction of rats, this operation shall not be repeated unless the vessel has stopped and moored at a wharf in a contaminated port, or unless the presence of dead or diseased rats is discovered on board.

The crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port. The landing of the crew may also be forbidden during the same time except in connection with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician, or in default of such physician, from the captain, to the effect that there has not been a case of plague on the vessel since its departure and that no unusual mortality among the rats has been observed.

ARTICLE 24. When rats have been recognized as plague-stricken on board an *uninfected* vessel as a result of a bacteriological examination, or when an unusual mortality has been discovered among these rodents, the following measures shall be applied:

I. Vessels with plague-stricken rats:

a) Medical inspection.

b) The rats shall be destroyed either before or after the discharge of the cargo as rapidly as possible and at all events within a maximum period of forty-eight hours, avoiding injury to the cargo, plating, and engines. On vessels in ballast this operation shall be performed as soon as possible and at all events before taking on cargo.

c) The parts of the vessel and the articles which the health authority considers to be contaminated shall be disinfected.

d) The passengers and crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival, save exceptional cases, in which the health authority may prolong the surveillance to a maximum of ten days.

II. Vessels on which an unusual mortality among rats is discovered:

a) Medical inspection.

b) An examination of the rats with regard to the plague shall be made as far and as quickly as possible.

c) If the destruction of the rats is deemed necessary, it shall take place under the conditions indicated above for vessels with plague-stricken rats.

d) Until all suspicion is removed, the passengers and the crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival, save exceptional cases, in which the health authority may prolong the surveillance to a maximum of ten days.

ARTICLE 25. The health authority of the port shall deliver to the captain or to the shipowner or his agent, whenever demanded, a certificate to the effect that the measures for the destruction of rats have been applied and stating the reasons for their application.

ARTICLE 26. Vessels *infected* with cholera shall be subjected to the following measures:

1. Medical inspection.

2. The patients shall be immediately landed and isolated.

3. The other persons shall likewise be landed, if possible, and subjected, from the date of arrival of the vessel, to an observation or a surveillance whose duration shall vary according to the sanitary condition of the vessel and the date of the last case, without, however, exceeding five days.

4. The soiled linen, wearing apparel, and other articles of the crew and passengers which are considered by the health authority of the port as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by cholera patients or which are considered by the health authority as being contaminated shall be disinfected.

6. The bilge-water shall be discharged after disinfection.

The health authority may order the substitution of good drinking water for that stored on board.

It may be forbidden to throw human excrements or allow them to run into the water of a port unless thy are previously disinfected.

ARTICLE 27. Vessels *suspected of cholera* shall be subjected to the measures prescribed under Nos. 1, 4, 5, and 6 of Article 26.

The crew and passengers may be subjected to a surveillance not to to exceed five days from the arrival of the vessel. It is recommended that the landing of the crew be prevented during the same period except for purposes connected with the service.

ARTICLE 28. Vessels *uninfected with cholera* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures to which they may be subjected by the health authority of the port of arrival shall be those provided under Nos. 1, 4, and 6 of Article 26.

With regard to the state of their health, the crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port.

It is recommended that the landing of the crew be forbidden during the same period except for purposes connected with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician or, in the absence of such, from the captain, to the effect that there has not been a case of cholera on board since the vessel sailed.

ARTICLE 29. In order to apply the measures indicated in articles 21 to 28, the competent authority shall take account of the presence of a physician and of disinfecting apparatuses (chambers) on board the vessels of the three categories mentioned above.

In regard to plague, he shall likewise take account of the installation on board of apparatus for the destruction of rats.

The health authorities of nations which may deem it suitable to reach an understanding on this point may excuse from the medical inspection and other measures those uninfected vessels which have on board a physician specially commissioned by their country.

ARTICLE 30. Special measures may be prescribed in regard to crowded vessels, especially emigrant vessels or any others presenting bad hygienic conditions.

ARTICLE 31. Any vessel not desiring to submit to the obligations imposed by the authority of the port by virtue of the stipulations of the present convention shall be free to put to sea again.

It may be permitted to land its cargo after the necessary precautions have been taken, viz:

1. Isolation of the vessel, crew, and passengers.

2. In regard to plague, inquiry as to the existence of an unusual mortality among the rats.

3. In regard to cholera, the discharge of the bilge-water after disinfection and the substitution of good drinking water for that stored on board the vessel.

It may also be permitted to land passengers who so request, upon condition that they submit to the measures prescribed by the local authority.

ARTICLE 32. Vessels hailing from a contaminated port which have been disinfected and subjected to sanitary measures applied in an efficient manner shall not undergo the same measures a second time upon their arrival in a new port provided that no case has appeared since the disinfection took place and that they have not touched at a contaminated port in the meantime.

When a vessel lands only passengers and their baggage, or the mails, without having been in communication with the mainland, it is not to be considered as having touched at the port.

ARTICLE 33. Passengers arriving on an infected vessel shall have the right to demand a certificate of the health authority of the port showing the date of their arrival and the measures to which they and their baggage have been subjected.

ARTICLE 34. Coasting vessels shall be subjected to special measures to be established by mutual agreement among the countries concerned.

ARTICLE 35. Without prejudice to the right which governments possess to agree upon the organization of common sanitary stations, each country shall provide at least one port upon each of its seaboards with an organization and equipment sufficient to receive a vessel, whatever may be its sanitary condition.

When an uninfected vessel hailing from a contaminated port arrives in a large maritime port, it is recommended that she be not sent back to another port for the purpose of having the prescribed sanitary measures executed.

In every country, ports open to the arrival of vessels from ports infected with plague or cholera shall be equipped in such a manner that uninfected vessels may, immediately upon their arrival, undergo the prescribed measures and not be sent for this purpose to another port.

The governments shall make known the ports which are open in their territories to arrivals from ports infected with plague or cholera.

ARTICLE 36. It is recommended that there be established in large maritime ports:

a) A regular medical service of the port and a permanent medical surveillance of the sanitary conditions of the crews and the inhabitants of the port.

b) Places set apart for the isolation of the sick and the observation of suspected persons.

c) The necessary plants for efficient disinfection, and bacteriological laboratories.

d) A supply of drinking water beyond suspicion for the use of the port, and a system affording all possible security for the carrying off of refuse and sewage.

SECTION IV.—*Measures on land frontiers.—Travelers.—Railroads.—Frontier Zones.—River Routes.*

ARTICLE 37. Land quarantines shall no longer be established.

Persons showing symptoms of plague or cholera shall alone be detained at frontiers.

This principle shall not bar the right of each Nation to close a part of its frontier in case of necessity.

ARTICLE 38. It is important that travelers be subjected to a surveillance on the part of railroad employees with a view to determining the state of their health.

ARTICLE 39. Medical interference is limited to an examination of the passengers and the care to be given to the sick. If such an examination is made, it should be combined as far as possible with the custom house inspection to the end that travelers may be detained as short a time as possible. Only persons who are obviously ill shall be subjected to a thorough medical examination.

ARTICLE 40. As soon as travelers coming from an infected locality shall have arrived at their destination, it would be of the greatest utility to subject them to a surveillance which should not exceed ten or five days from the date of departure, according to whether it is a question of plague or cholera.

ARTICLE 41. The governments reserve the right to take special measures in regard to certain categories of persons, notably gypsies, vagabonds, emigrants, and persons traveling or crossing the frontier in troops.

ARTICLE 42. Cars used for the conveyance of passengers, mail, and baggage shall not be detained at frontiers.

If it should happen that one of these cars is contaminated or has been occupied by a plague or cholera patient, it shall be detached from the train and disinfected as soon as possible.

The same rule shall apply to freight cars.

ARTICLE 43. The measures concerning the crossing of frontiers by railroad and postal employees shall be determined by the companies or departments concerned and shall be so arranged as not to hinder the service.

ARTICLE 44. The regulation of frontier traffic and questions pertaining thereto, as well as the adoption of exceptional measures of surveillance, shall be left to special arrangements between the contiguous nations.

ARTICLE 45. It is the province of the governments of the riparian nations to regulate the sanitary conditions of river routes by means of special arrangements.

TITLE II.—SPECIAL PROVISIONS APPLICABLE TO COUNTRIES SITUATED OUTSIDE OF EUROPE.

CHAPTER I.—*Arrivals by sea.*

SECTION I.—*Measures in contaminated ports upon the departure of vessels.*

ARTICLE 46. It shall be incumbent upon the competent authority to take effectual measures to prevent the embarkation of persons showing symptoms of plague or cholera.

Every person taking passage on board a vessel shall, at the time of embarkation, be examined individually in the daytime on shore, for the necessary length of time, by a physician delegated by the authorities. The consular officer of the nation to which the ship belongs may be present at this examination.

As an exception to this stipulation, the medical examination may take place on shipboard at Alexandria and Port Said, when the local health authority deems it expedient, provided that the third-class passengers shall not be permitted to leave the vessel. This medical examination may be made at night in the case of first and second class passengers, but not of third-class passengers.

ARTICLE 47. It shall be incumbent upon the competent authorities to take effectual measures:

1. To prevent the exportation of merchandise or any articles which they may consider as contaminated and which have not been previously disinfected on shore under the supervision of the physician delegated by the public authorities.

2. In case of plague, to prevent the access of rats to the vessel.

3. In case of cholera, to see that the drinking water taken on board is wholesome.

SECTION II.—*Measures with respect to ordinary vessels hailing from contaminated northern ports and appearing at the entrance of the Suez Canal or in Egyptian ports.*

ARTICLE 48. Ordinary *uninfected* vessels hailing from a plague or cholera infected port of Europe or the basin of the Mediterranean and presenting themselves for passage through the Suez Canal shall be allowed to pass through in quarantine. They shall continue their route under observation of five days.

ARTICLE 49. Ordinary uninfected vessels wishing to make a landing in Egypt may stop at Alexandria or Port Said, where the passengers shall complete the observation period of five days either on shipboard or in a sanitary station, according to the decision of the local health authority.

ARTICLE 50. The measures to which *infected* or *suspected* vessels shall be subjected which hail from a plague or cholera infected port of Europe or the shores of the Mediterranean, and which desire to effect a landing in one of the Egyptian ports or to pass through the Suez Canal, shall be determined by the Board of Health of Egypt in conformity with the stipulations of the present convention.

The regulations containing these measures shall, in order to become effective, be accepted by the various Powers represented on the Board; they shall determine the measures to which vessels, passengers, and merchandise are to be subjected and shall be presented within the shortest possible period.

SECTION III.—*Measures in the Red Sea*

A. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE SOUTH AND APPEARING IN PORTS OF THE RED SEA OR BOUND TOWARD THE MEDITERRANEAN.

ARTICLE 51. Independently of the general provisions contained in Section III, Chapter 2, Title I, concerning the classification of and the measures applicable to infected, suspected, or uninfected vessels, the special provisions contained in the ensuing articles are applicable to ordinary vessels coming from the south and entering the Red Sea.

ARTICLE 52. *Uninfected* vessels must have completed or shall be required to complete an observation period of five full days from the time of their departure from the last infected port.

They shall be allowed to pass through the Suez Canal in quarantine and shall enter the Mediterranean containing the aforesaid observation period of five days. Ships having a physician and a disinfecting chamber on board shall not undergo disinfection until the passage through in quarantine begins.

ARTICLE 53. Suspected vessels shall be treated differently according to whether they have a physician and a disinfecting apparatus (chamber) on board or not.

a) Vessels having a physician and a disinfecting apparatus (chamber) on board and fulfilling the necessary conditions shall be permitted to pass through the Suez Canal in quarantine under conditions prescribed by the regulations for the passage through.

b) Other suspected vessels having neither physician nor disinfecting apparatus (chamber) on board shall, before being permitted to pass through in quarantine, be detained at Suez or Moses Spring a sufficient length of time to carry out the disinfecting measures prescribed and to ascertain the sanitary condition of the vessel.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the local authority is assured by an official declaration that the measures of sanitation and disinfection have been suitably carried out either at the point of departure or during the voyage, the passage through in quarantine shall be allowed.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the last case of plague or cholera dates back longer than seven days and if the sanitary condition of the vessel is satisfactory, pratique may be granted at Suez when the operations prescribed by the regulations are completed.

When a vessel has had a run of less than seven days without infection, the passengers destined for Egypt shall be landed at an establisment designated by the Board of Health of Alexandria and isolated a sufficient length of time to complete the observation period of five days. Their soiled linen and wearing apparel shall be disinfected. They shall then receive pratique.

Vessels having had a run of less than seven days without infection and desiring to obtain pratique in Egypt shall be detained in an establishment designated by the Board of Health of Alexandria for

a sufficient length of time to complete the observation period of five days. They shall undergo the measures prescribed for suspected vessels.

When plague or cholera has appeared exclusively among the crew, only the soiled linen of the latter shall be disinfected, but it shall all be disinfected, including that in the living quarters of the crew.

ARTICLE 54. Infected vessels are divided into vessels with a physician and a disinfecting apparatus (chamber) on board, and vessels without a physician and a disinfecting apparatus (chamber).

a) Vessels without a physician and a disinfecting apparatus (chamber) shall be stopped at Moses Spring;[a] persons showing symptoms of plague or cholera shall be landed and isolated in a hospital. The disinfection shall be carried out in a thorough manner. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop. The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected.

It is to be distinctly understood that there shall be no discharge of cargo but simply a disinfection of the part of the vessel which has been infected.

The passengers shall remain for five days in an establishment designated by the Sanitary, Maritime, and Quarantine Board of Egypt. When the cases of plague or cholera date back several days, the length of the isolation shall be diminished. This length shall vary according to the date of the cure, death, or isolation of the last patient. Thus, when the last case of plague or cholera has terminated six days before by a cure or death, or when the last patient has been isloated for six days, the observation shall last one day; if only five days have elapsed, the observation period shall be two days; if only four days have elapsed, the observation period shall be three days; if only three days have elapsed, the observation period shall be four days; if only two days or one day have elapsed, the observation period shall be five days.

b) Vessels with a physician and a disinfecting apparatus (chamber) on board shall be stopped at Moses Spring. The ship's physician must declare, under oath, what persons on board show symptoms of plague or cholera. These patients shall be landed and isolated.

After the landing of these patients, the soiled linen of the rest of the passengers which the health authority may consider as dangerous, as well as that of the crew shall undergo disinfection on board.

When plague or cholera shall have appeared exclusively among the crew, the disinfection of the linen shall be limited to the soiled linen of the crew and the linen of the living apartments of the crew.

The ship's physician shall indicate also, under oath, the part or compartment of the vessel and the section of the hospital in which the patient or patients have been transported. He shall also declare, under oath, what persons have been in contact with the plague or cholera patient since the first manifestation of the disease, either directly or through contact with objects which might be contaminated. Such persons alone shall be considered as suspects.

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[a] The patients shall as far as possible be landed at Moses Spring. The other persons may undergo the observation in a sanitary station designated by the Sanitary, Maritime, and Quarantine Board of Egypt (pilots' lazaretto).

The part or compartment of the vessel and the section of the hospital in which the patient or patients shall have been transported shall be thoroughly disinfected. By the "part of the ship" shall be understood the cabin of the patient, the neighboring cabins, the corridor upon which these cabins are located, the deck, and the parts of the deck where the patients may have stayed.

If it is impossible to disinfect the part or compartment of the vessel which has been occupied by the persons stricken with plague or cholera without landing the persons declared as suspects, these persons shall be either placed in another vessel specially designated for this purpose or landed and lodged in the sanitary establishment without coming in contact with the patients, who should be placed in the hospital.

The duration of this stay on the vessel or on shore for disinfection shall be as short as possible and shall not exceed twenty-four hours.

The suspects shall undergo, either on their vessel or on the vessel designated for this purpose, an observation period whose duration shall vary according to the cases and under the conditions provided in the third paragraph of subdivision *a*).

The time taken up by the prescribed operations shall be comprised in the duration of the observation period.

The passage through in quarantine may be allowed before the expiration of the periods indicated above if the health authority deems it possible. It shall at all events be granted when the disinfection has been completed, if the vessel leaves behind not only its patients but also the persons indicated above as "suspects."

A disinfecting chamber placed on a lighter may come alongside the vessel in order to expedite the disinfecting operations.

Infected vessels requesting pratique in Egypt shall be detained at Moses Spring five days; they shall, moreover, undergo the same measures as those adopted for infected vessels arriving in Europe.

B. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE INFECTED PORTS OF HEDJAZ DURING THE PILGRIMAGE SEASON.

ARTICLE 55. If plague or cholera prevails in Hedjaz during the time of the Mecca pilgrimage, vessels coming from Hedjaz or from any other part of the Arabian coast of the Red Sea without having embarked there any pilgrims or similar masses of persons, and which have not had any suspicious occurrence on board during the voyage, shall be placed in the category of ordinary suspected vessels. They shall be subjected to the preventive measures and to the treatment imposed on such vessels.

If they are bound for Egypt they shall undergo, in a sanitary establishment designated by the Sanitary, Maritime, and Quarantine Board, an observation of five days from the date of departure, for cholera as well as for plague. They shall be subjected, moreover, to all the measures prescribed for suspected vessels (disinfection, etc.), and shall not be granted pratique until they have passed a favorable medical examination.

It shall be understood that if the vessels have had suspicious occurrences during the voyage, they shall pass the observation period at Moses Spring, which shall last five days whether it be a question of plague or cholera.

SECTION IV.—*Organization of the surveillance and of the disinfection at Suez and Moses Spring.*

ARTICLE 56. The medical inspection prescribed by the regulations shall be made on each vessel arriving at Suez by one or more of the physicians of the station, being made in the daytime on vessels hailing from ports infected with plague or cholera. It may, however, be made at night on vessels which present themselves in order to pass through the canal if they are lighted by electricity and whenever the local health authority is satisfied that the lighting facilities are adequate.

ARTICLE 57. The physicians of the Suez station shall be at least seven in number—one chief physician and six others. They must possess a regular diploma and shall be chosen preferably from among physicians who have made special practical studies in epidemiology and bacteriology. They shall be appointed by the Minister of the Interior upon the recommendation of the Sanitary, Maritime, and Quarantine Board of Egypt. They shall receive a salary which shall begin at 8,000 francs and may progressively rise to 12,000 francs for the six physicians, and which shall vary from 12,000 to 15,000 francs for the chief physician.

If the medical service should still prove inadequate, recourse may be had to the surgeons of the navies of the several nations, who shall be placed under the authority of the chief physician of the sanitary station.

ARTICLE 58. A corps of sanitary guards shall be intrusted with the surveillance and the execution of the prophylactic measures applied in the Suez Canal, at the establishment at Moses Spring, and at Tor.

ARTICLE 59. This corps shall comprise ten guards.

It shall be recruited from among former noncommissioned officers of the European and Egyptian armies and navies.

After their competence has been ascertained by the Board, the guards shall be appointed in the manner provided by Article 14 of the Khedival decree of June 19, 1893.

ARTICLE 60. The guards shall be divided into two classes, the first class comprising four guards and the second class comprising six guards.

ARTICLE 61. The annual compensation allowed to the guards shall be:

For the first class, from £160 Eg. to £200 Eg.;

For the second class, from £120 Eg. to £168 Eg.;

With a progressive increase until the maximum is reached.

ARTICLE 62. The guards shall be invested with the character of officers of the public peace, with the right to call for assistance in case of infractions of the sanitary regulations.

They shall be placed under the immediate orders of the Director of the Suez or the Tor Bureau.

They shall be instructed in all the methods and operations of disinfection in vogue, and must understand the manipulation of the substances and the handling of the instruments employed for this purpose.

ARTICLE 63. The disinfection and isolation station of Moses Spring is placed under the authority of the chief physician of Suez.

If patients are landed there, two of the physicians of Suez shall be interned there, one to take care of plague or cholera patients, the other to care for the persons not stricken with plague or cholera.

In case there are plague and cholera patients and other sick at the same time, the number of interned physicians shall be increased to three, one for the plague patients, one for the cholera patients, and the third for those sick with other ailments.

ARTICLE 64. The disinfection and isolation station at Moses Spring shall comprise:

1. Three disinfecting chambers, one being placed on a lighter, and the necessary apparatus for the destruction of rats.

2. Two isolation hospitals with twelve beds each, one for plague patients and persons suspected of plague, the other for persons stricken with or suspected of cholera. These hospitals shall be so arranged that the patients, the suspects, the men, and the women shall be isolated from one another in each of them.

3. Huts, hospital tents, and ordinary tents for the landed persons.

4. Bath tubs and shower baths in sufficient number.

5. The necessary buildings for the ordinary services, the medical staff, the guards, etc., a store, and a laundry.

6. A tank of water.

7. The various buildings shall be so arranged as to render impossible all contact among the patients, the infected or suspicious objects, and the other persons.

ARTICLE 65. A machinist shall be specially intrusted with the care of the disinfecting chambers installed at Moses Spring.

SECTION V.—*Passage through the Suez Canal in quarantine.*

ARTICLE 66. The health authority of Suez shall grant the passage through in quarantine, and the Board shall be immediately informed thereof.

In doubtful cases, the decision shall be reached by the Board.

ARTICLE 67. As soon as the permit provided for in the preceding Article is granted, a telegram shall be sent to the authority designated by each Power, the dispatch of the telegram being at the expense of the vessel.

ARTICLE 68. Each Power shall establish penalties against vessels which abandon the route indicated by the captain and unduly approach one of the ports within its territory, cases of *vis major* and enforced sojourn being excepted.

ARTICLE 69. Upon a vessel's being spoken, the captain shall be obliged to declare whether he has on board any gangs of native stokers or of wage-earning employees of any description who are not inscribed on the crew list or the register kept for this purpose.

The following questions in particular shall be asked the captains of all vessels arriving at Suez from the south, and shall be answered under oath:

"Have you any helpers (stokers or other workmen) not inscribed on your crew list or on the special register? What is their nationality? Where did you embark them?"

The sanitary physicians should ascertain the presence of these helpers and if they discover that any of them are missing they should carefully seek the cause of their absence.

ARTICLE 70. A health officer and two sanitary guards shall board the vessel and accompany her to Port Said. Their duty shall be to prevent communications and see to the execution of the prescribed measures during the passage through the canal.

ARTICLE 71. All embarkations, landings, and transshipments of passengers or cargo are forbidden during the passage through the Suez Canal to Port Said.

However, passengers may embark at Port Said in quarantine.

ARTICLE 72. Vessels passing through in quarantine shall make the trip from Suez to Port Said without putting into dock.

In case of stranding or of being compelled to put into dock, the necessary operations shall be performed by the personnel on board, all communication with the employees of the Suez Canal Company being avoided.

ARTICLE 73. When troops are conveyed through the canal on suspicious or infected vessels passing through in quarantine, the trip shall be made in the daytime only. If it is necessary to stop at night in the canal, the vessels shall anchor in Lake Timsah or the Great Lake.

ARTICLE 74. Vessels passing through in quarantine are forbidden to stop in the harbor of Port Said except in the cases contemplated in articles 71 (paragraph 2) and 75.

The supply and preparation of food on board vessels shall be effected with the means at hand on the vessels.

Stevedores or any other persons who may have gone on board shall be isolated on the quarantine lighter. Their clothing shall there undergo disinfection as per regulations.

ARTICLE 75. When it is absolutely necessary for vessels passing through in quarantine to take on coal at Port Said, they shall perform this operation in a locality affording the necessary facilities for isolation and sanitary surveillance, to be selected by the Board of Health. When it is possible to maintain a strict supervision on board the vessel and to prevent all contact with the persons on board, the coaling of the vessel by the workmen of the port may be permitted. At night the place where the coaling is done should be illuminated by electric lights.

ARTICLE 76. The pilots, electricians, agents of the Company, and sanitary guards shall be put off at Port Said outside of the port between the jetties and thence conducted directly to the quarantine lighter, where their clothing shall undergo disinfection when deemed necessary.

ARTICLE 77. The war vessels hereinafter specified shall enjoy the benefits of the following provisions when passing through the Suez Canal:

They shall be recognized by the quarantine authority as uninfected upon the production of a certificate issued by the physicians on board, countersigned by the commanding officer, and affirming under oath:

a) That there has not been any case of plague or cholera on board either at the time of departure or during the passage.

b) That a careful examination of all persons on board, without any exception, has been made less than twelve hours before the arrival in the Egyptian port, and that it revealed no case of these diseases.

These vessels shall be exempted from the medical examination and immediately receive pratique, provided a period of five full days has elapsed since their departure from the last infected port.

In case the required period has not elapsed, the vessels may pass through the canal in quarantine without undergoing the medical examination, provided they present the above-mentioned certificate to the quarantine authorities.

The quarantine authorities shall nevertheless have the right to cause their agents to perform the medical examination on board war vessels whenever they deem it necessary.

Suspicious or infected war vessels shall be subjected to the regulations in force.

Only fighting units shall be considered as war vessels, transports and hospital ships falling under the category of ordinary vessels.

ARTICLE 78. The Maritime and Quarantine Board of Egypt is authorized to organize the transit through Egyptian territory by rail of the mails and ordinary passengers coming from infected countries in quarantine trains, under the conditions set forth in Annex I.

SECTION VI.—*Sanitary measures applicable in the Persian Gulf.*

ARTICLE 79. Vessels shall be spoken at the sanitary establishment of the Island of Ormuz before entering the Persian Gulf. According to their sanitary condition and their port of departure, they shall be subjected to the measures prescribed by Section 3, Chapter 2, Title I.

However, vessels which are to go up the Chat-el-Arab shall, if the observation period is not terminated, be permitted to continue their voyage upon condition of passing through the Persian Gulf and up the Chat-el-Arab in quarantine. A chief guard and two sanitary guards, taken on board at Ormuz, shall watch the vessel as far as Bassorah, where a second medical examination shall be made and the necessary disinfections performed.

Pending the organization of the sanitary station of Ormuz, sanitary guards taken from the provisional post established in accordance with Article 82, paragraph 2, shall accompany the vessels passing in quarantine into the Chat-el-Arab and to the establishment situated in the neighborhood of Bassorah.

Vessels which are to touch at Persian ports in order to land passengers and cargo there may perform these operations at Bender-Bouchir.

It is distinctly understood that a vessel which remains uninfected at the expiration of five days from the date on which it left the last port infected with plague or cholera, shall obtain pratique in the ports of the Gulf after it has been ascertained, upon its arrival, that it is uninfected.

ARTICLE 80. Articles 20 to 28 of the present convention are applicable with regard to the classification of the vessels and the measures to be applied to them in the Persian Gulf, with the three following exceptions:

1. The surveillance of the passengers and crew shall always be superseded by an observation of the same duration.

2. Uninfected vessels shall only obtain pratique upon condition that five full days have elapsed since the time of their departure from the last infected port.

3. In regard to suspected vessels the period of five days for the observation of the crew and passengers shall begin as soon as there is no case of plague or cholera on board.

SECTION VII.—*Sanitary establishments in the Persian Gulf.*

ARTICLE 81. Sanitary establishments shall be constructed under the direction of the Board of Health of Constantinople and at its expense, one on the Island of Ormuz and the other in the neighborhood of Bassorah at a place to be determined upon.

At the sanitary station of the Island of Ormuz there shall be at least two physicians, sanitary agents, sanitary guards, and a complete set of appliances for disinfection and the destruction of rats. A small hospital shall be built.

At the station in the neighborhood of Bassorah there shall be constructed a large lazaretto suitable for a medical service composed of several physicians, and apparatus for the disinfection of merchandise.

ARTICLE 82. The Superior Board of Health of Constantinople, which has the sanitary establishment of Bassorah under its control, shall exercise the same power over that of Ormuz.

Pending the construction of the sanitary establishment of Ormuz, a sanitary post shall be established there under the direction of the Superior Board of Health of Constantinople.

CHAPTER II.—*Arrivals by land.*

SECTION I.—*General rules.*

ARTICLE 83. The measures taken on land routes against arrivals from regions infected with plague or cholera shall conform to the sanitary principles formulated by the present convention.

Modern disinfecting methods shall be substituted for land quarantines. To this end disinfecting chambers and other disinfecting appliances shall be installed at well chosen points along the routes followed by travelers.

The same means shall be employed on railroad lines already built or to be built.

Freight shall be disinfected according to the principles of the present convention.

ARTICLE 84. Each Government shall be free to close, when necessary, a part of its frontiers against passengers and freight at places where the organization of a sanitary supervision is attended with difficulties.

SECTION II.—*Turkish land frontiers.*

ARTICLE 85. The Superior Board of Health of Constantinople shall, without delay, organize the sanitary establishments of Hanikin and Kisil Dizie, near Bayazid, on the Turko-Persian and Turko-Russian frontiers.

TITLE III.—PROVISIONS SPECIALLY APPLICABLE TO PILGRIMAGES.

CHAPTER I.—*General provisions.*

ARTICLE 86. The provisions of articles 46 and 47 of Title II are applicable to persons and objects to be embarked on a pilgrim ship sailing from a port of the Indian Ocean and Oceania, even if the port is not infected with plague or cholera.

ARTICLE 87. When cases of plague or cholera exist in the port, no embarkation shall be made on pilgrim ships until after the persons, assembled in a group, have been subjected to an observation for the purpose of ascertaining that none of them is stricken with plague or cholera.

It shall be understood that, in executing this measure, each Government may take into account the local circumstances and possibilities.

ARTICLE 88. If local circumstances permit, the pilgrims shall be obliged to prove that they possess the means absolutely necessary to complete the pilgrimage, especially a round-trip ticket.

ARTICLE 89. Steamships shall alone be permitted to engage in the long-voyage transportation of pilgrims, all other vessels being forbidden to engage in this traffic.

ARTICLE 90. Pilgrim ships engaged in coasting trade and used in making the conveyances of short duration called "coasting voyages" shall be subject to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles enounced in the present Convention.

ARTICLE 91. A vessel which does not embark a greater proportion of pilgrims of the lowest class than one per hundred tons' gross burden, in addition to its ordinary passengers (among whom pilgrims of the higher classes may be included), shall not be considered as a pilgrim ship.

ARTICLE 92. Every pilgrim ship, upon entering the Red Sea or the Persian Gulf, must conform to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles set forth in the present convention.

ARTICLE 93. The captain shall be obliged to pay all the sanitary taxes collectible from the pilgrims, which shall be comprised in the price of the ticket.

ARTICLE 94. As far as possible, the pilgrims who land or embark at the sanitary stations should not come in contact with one another at the points of debarkation.

After landing their pilgrims, the vessels shall change their anchorage in order to reembark them.

The pilgrims who are landed shall be sent to the encampment in as small groups as possible.

They must be furnished with good drinking water, whether it is found on the spot or obtained by distillation.

ARTICLE 95. When there is plague or cholera in Hedjaz, the provisions carried by the pilgrims shall be destroyed if the health authority deems it necessary.

CHAPTER II.—*Pilgrim ships.—Sanitary arrangements.*

SECTION I.—*General arrangement of vessels.*

ARTICLE 96. The vessel must be able to lodge pilgrims between decks.

Outside of the crew, the vessel shall furnish to every individual, whatever be his age, a surface of 1.5 square meters (16 English square feet) with a height between decks of about 1.8 meters.

On vessels engaged in coasting trade each pilgrim shall have at his disposal a space of at least 2 meters wide along the gunwales of the vessel.

ARTICLE 97. On each side of the vessel, on deck, there shall be reserved a place screened from view and provided with a hand pump so as to furnish sea water for the needs of the pilgrims. One such place shall be reserved exclusively for women.

ARTICLE 98. In addition to the water-closets for the use of the crew, the vessel shall be provided with latrines flushed with water or provided with a stop cock, in the proportion of at least one latrine for every 100 persons embarked.

There shall be latrines reserved exclusively for women.

There shall be no water closets between decks or within the hold.

ARTICLE 99. The vessel shall have two places arranged for private cooking by the pilgrims, who shall be forbidden to make a fire elsewhere and especially on deck.

ARTICLE 100. An infirmary regularly fitted up and properly arranged with regard to safety and sanitary conditions shall be reserved for lodging the sick.

It must be able to receive at least 5 per cent of the pilgrims embarked, allowing at least 3 square meters per head.

ARTICLE 101. The vessel shall be provided with the means of isolating persons who show symptoms of plague or cholera.

ARTICLE 102. Every vessel shall have on board the medicines, disinfectants, and articles necessary for the care of the sick. The regulations made for this kind of vessels by each Government shall determine the nature and quantity of the medicines.[a] The care and the remedies shall be furnished gratuitously to the pilgrims.

ARTICLE 103. Every vessel embarking pilgrims shall have on board a physician holding a regular diploma and commissioned by the Government of the country to which the vessel belongs or by the Government of the port in which the vessel takes pilgrims on board. A second physician shall be embarked as soon as the number of pilgrims carried by the vessel exceeds one thousand.

ARTICLE 104. The captain shall be obliged to have handbills posted on board in a position which is conspicuous and accessible to those interested. They shall be in the principal languages of the countries inhabited by the pilgrims embarked, and show:

1. The destination of the vessel.
2. The price of the tickets.
3. The daily ration of water and food allowed to each pilgrim.
4. A price list of victuals not comprised in the daily ration and to be paid for extra.

ARTICLE 105. The heavy baggage of the pilgrims shall be registered, numbered, and placed in the hold. The pilgrims shall keep with them only such articles as are absolutely necessary, the regulations made by each Government for its vessels determining the nature, quantity, and dimensions thereof.

ARTICLE 106. The provisions of Chapters I, II (sections I, II, and III), and III of the present title shall be posted, in the form of regulations, in the language of the nationality of the vessel as well as in

[a] It is desirable that each vessel be provided with the principal immunizing agents (antiplague serum, Haffkine vaccine, etc.).

the principal languages of the countries inhabited by the pilgrims embarked, in a conspicuous and accessible place on each deck and between decks on every vessel carrying pilgrims.

SECTION II.—*Measures to be taken before departure.*

ARTICLE 107. At least three days before departure the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must declare his intention to embark pilgrims to the competent authority of the port of departure. In ports of call the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must make this same declaration twelve hours before the departure of the vessel. This declaration must indicate the intended day of sailing and the destination of the vessel.

ARTICLE 108. Upon the declaration prescribed by the preceding article being made, the competent authority shall proceed to the inspection and measurement of the vessel at the expense of the captain. The consular officer of the country to which the vessel belongs may be present at this inspection.

The inspection only shall be made if the captain is already provided with a certificate of measurement issued by the competent authority of his country, unless it is suspected that the document no longer corresponds to the actual state of the vessel.[a]

ARTICLE 109. The competent authority shall not permit the departure of a pilgrim ship until he has ascertained:

a) That the vessel has been put in a state of perfect cleanliness and, if necessary, disinfected.

b) That the vessel is in a condition to undertake the voyage without danger; that it is properly equipped, arranged, and ventilated; that it is provided with an adequate number of small boats; that it contains nothing on board which is or might become detrimental to the health or safety of the passengers, and that the deck is of wood or of iron covered over with wood.

c) That, in addition to the provisions for the crew, there are provisions and fuel of good quality on board, suitably stored and in sufficient quantity for all the pilgrims and for the entire anticipated duration of the voyage.

d) That the drinking water taken on board is of good quality and from a source protected against all contamination; that there is a sufficient quantity thereof; that the tanks of drinking water on board are protected against all contamination and closed in such a way that the water can only be let out through the stop cocks or pumps. The devices for letting water out called "suckers" are absolutely forbidden.

e) That the vessel has a distilling apparatus capable of producing at least 5 liters of water per head each day for every person embarked, including the crew.

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[a] The competent authority is at present: In British India, an officer designated for this purpose by the local government (Native Passenger Ships Act 1887, Art. 7); in Dutch India, the master of the port; in Turkey, the health authority; in Austria-Hungary, the authority of the port; in Italy, the captain of the port; in France, Tunis, and Spain, the health authority; in Egypt, the quarantine and health authority, etc.

f) That the vessel has a disinfecting chamber whose safety and efficiency have been ascertained by the health authority of the port of embarkation of the pilgrims.

g) That the crew comprises a physician holding a diploma and commissioned[a] either by the Government of the country to which the vessel belongs or by the Government of the port where the vessel takes on pilgrims, and that the vessel has a supply of medicines, all in conformity with Articles 102 and 103.

h) That the deck of the vessel is free from all cargo and other incumbrances.

i) That the arrangements of the vessel are such that the measures prescribed by Section III hereinafter may be executed.

ARTICLE 110. The captain shall not sail until he has in his possession:

1. A list viséed by the competent authority and showing the name, sex, and total number of the pilgrims whom he is authorized to embark.

2. A bill of health setting forth the name, nationality, and tonnage of the vessel, the name of the captain and of the physician, the exact number of persons embarked (crew, pilgrims, and other passengers), the nature of the cargo, and the port of departure.

The competent authority shall indicate upon the bill of health whether the number of pilgrims allowed by the regulations is reached or not, and, in case it is not reached, the additional number of passengers which the vessel is authorized to embark in subsequent ports of call.

SECTION III.—*Measures to be taken during the passage.*

ARTICLE 111. The deck shall remain free from encumbering objects during the voyage and shall be reserved day and night for the persons on board and be placed gratuitously at their service.

ARTICLE 112. Every day the space between decks should be cleaned carefully and scrubbed with dry sand mixed with disinfectants while the pilgrims are on deck.

ARTICLE 113. The latrines intended for passengers as well as those for the crew should be kept neat and be cleansed and disinfected three times a day.

ARTICLE 114. The excretions and dejections of persons showing symptoms of plague or cholera shall be collected in vessels containing a disinfecting solution. These vessels shall be emptied into the latrines, which shall be thoroughly disinfected after each flushing.

ARTICLE 115. Articles of bedding, carpets, and clothing which have been in contact with the patients mentioned in the preceding Article shall be immediately disinfected. The observance of this rule is especially enjoined with regard to the clothing of persons who come near to these patients and who may have become contaminated.

Such of the articles mentioned above as have no value shall either be thrown overboard, if the vessel is neither in a port nor a canal, or else destroyed by fire. The others shall be carried to the disinfecting chamber in impermeable sacks washed with a disinfecting solution.

ARTICLE 116. The quarters occupied by the patients and referred to in Article 100 shall be rigorously disinfected.

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[a] Exception is made for governments which have no commissioned physicians.

ARTICLE 117. Pilgrim ships shall be compelled to submit to disinfecting operation in conformity with the regulations in force on the subject in the country whose flag they fly.

ARTICLE 118. The quantity of drinking water allowed daily to each pilgrim free of charge, whatever be his age, shall be at least 5 liters.

ARTICLE 119. If there is any doubt about the quality of the drinking water or any possibility of its contamination either at the place of its origin or during the course of the voyage, the water shall be boiled or otherwise sterilized and the captain shall be obliged to throw it overboard at the first port in which a stop is made and in which he is able to procure a better supply.

ARTICLE 120. The physician shall examine the pilgrims, attend the patients, and see that the rules of hygiene are observed on board. He shall especially:

1. Satisfy himself that the provisions dealt out to the pilgrims are of good quality, that their quantity is in conformity with the obligations assumed, and that they are suitably prepared.

2. Satisfy himself that the requirements of Article 118 relative to the distribution of water are observed.

3. If there is any doubt about the quality of the drinking water, remind the captain in writing of the provisions of Article 119.

4. Satisfy himself that the vessel is maintained in a constant state of cleanliness, and especially that the latrines are cleansed in accordance with the provisions of Article 113.

5. Satisfy himself that the lodgings of the pilgrims are maintained in a healthful condition, and that, in case of transmissible disease, they are disinfected in conformity with Articles 116 and 117.

6. Keep a diary of all the sanitary incidents occurring during the course of the voyage and present this diary to the competent authority of the port of arrival.

ARTICLE 121. The persons intrusted with the care of the plague or cholera patients shall alone have access to them and shall have no contact with the other persons on board.

ARTICLE 122. In case of a death occurring during the voyage, the captain shall make note of the death opposite the name on the list viséed by the authority of the port of departure, besides entering on his journal the name of the deceased person, his age, where he comes from, the presumable cause of his death according to the physician's certificate, and the date of the death.

In case of death by a transmissible disease, the body shall be wrapped in a shroud saturated with a disinfecting solution and thrown overboard.

ARTICLE 123. The captain shall see that all the prophylactic measures executed during the voyage are recorded in the ship's journal. This journal shall be presented by him to the competent authority of the port of arrival.

In each port of call the captain shall have the list prepared in accordance with Article 110 viséed by the competent authority.

In case a pilgrim is landed during the course of the voyage, the captain shall note the fact on the list opposite the name of the pilgrim.

In case of an embarkation, the persons embarked shall be mentioned on this list in conformity with the aforementioned Article 110 and before it is viséed again by the competent authority.

ARTICLE 124. The bill of health delivered at the port of departure shall not be changed during the course of the voyage.

It shall be viséed by the health authority of each port of call, who shall note thereon:

1. The number of passengers landed or embarked in the port.
2. The incidents occurring at sea and affecting the health or life of the persons on board.
3. The sanitary condition of the port of call.

SECTION IV.—*Measures to be taken on the arrival of pilgrims in the Red Sea.*

A. SANITARY MEASURES APPLICABLE TO MUSSULMAN-PILGRIM SHIPS HAILING FROM AN INFECTED PORT AND BOUND FROM THE SOUTH TOWARD HEDJAZ.

ARTICLE 125. Pilgrim ships hailing from the south and bound for Hedjaz shall first stop at the sanitary station of Camaran, where they shall be subjected to the measures prescribed by Articles 126 to 128.

ARTICLE 126. Vessels recognized as *uninfected* after a medical inspection shall obtain pratique when the following operations are completed:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed toward Hedjaz.

For plague, the provisions of Articles 23 and 24 shall be applied with regard to the rats which may be found on board the vessels.

ARTICLE 127. *Suspicious* vessels on board of which there were cases of plague or cholera at the time of departure but on which there has been no new case of plague or cholera for seven days, shall be treated in the following manner:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected.

In time of cholera the bilge water shall be changed.

The parts of the vessel occupied by the patients shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed to Djeddah, where a second medical inspection shall take place on board. If the result thereof is favorable, and on the strength of a written affidavit by the ship's physician to the effect that there has been no case of plague or cholera during the passage, the pilgrims shall be immediately landed.

If, on the contrary, one or more real or suspected cases of plague or cholera have been discovered during the voyage or at the time of

arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the measures applicable to infected vessels.

For plague, the provisions of Article 22, third paragraph, shall be applied with regard to the rats which may be found on board the vessels.

ARTICLE 128. *Infected vessels*, that is, those having cases of plague or cholera on board or having had cases of plague or cholera within seven days, shall undergo the following treatment:

The persons stricken with plague or cholera shall be landed and isolated in the hospital. The other passengers shall be landed and isolated in groups comprising as few persons as possible, so that the whole number may not be infected by a particular group if plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected in a thorough manner.

However, the local health authority may decide that the discharge of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need be disinfected.

The passengers shall remain at the Camaran establishment seven or five days, according to whether it is a question of plague or cholera. When cases of plague or cholera date back several days, the length of the isolation may be diminished. This length may vary according to the date of appearance of the last case and the decision of the health authority.

The vessel shall then proceed to Djeddah, where an individual and rigorous medical inspection shall be made. If the result thereof is favorable, the vessel shall obtain pratique. If, on the contrary, real cases of plague or cholera have appeared on board during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the treatment applicable to infected vessels.

For plague, the measures prescribed by Article 21 shall be applied with regard to the rats which may be found on board the vessels.

1. The Camaran Station.

ARTICLE 129. The following conditions shall exist at the Camaran station:

The island shall be completely vacated by its inhabitants.

In order to insure the safety and facilitate the movement of vessels in the bay of Camaran Island—

1. Buoys and beacons shall be installed in sufficient number.

2. A mole or quay shall be constructed to land passengers and baggage.

3. A separate flying bridge shall be arranged for the embarkation of the pilgrims of each camp.

4. A steam tug and a sufficient number of barges shall be provided in order to land and embark the pilgrims.

ARTICLE 130. The landing of the pilgrims from infected vessels shall be effected with the means on board. If these means are inadequate, the persons and the barges which have assisted in the land-

ing must undergo the same treatment as the pilgrims and the infected vessel.

ARTICLE 131. The sanitary station shall comprise the following installations and equipment:

1. A system of railway tracks connecting the landing places with the administrative and disinfecting quarters as well as with the buildings used for the various services and with the camps.

2. Quarters for the administrative office and for the personnel of the sanitary and other services.

3. Buildings for the disinfection and washing of wearing apparel and other articles.

4. Buildings in which the pilgrims shall be subjected to shower or sea baths while their clothing in use is being disinfected.

5. Hospitals separated for the two sexes and completely isolated:

a) For the observation of suspects;

b) For plague patients;

c) For cholera patients;

d) For patients stricken with other contagious diseases;

e) For those sick with ordinary diseases.

6. Camps suitably separated from one another, the distance between them being as great as possible. The lodgings intended for pilgrims shall be constructed on the best hygienic principles and shall not contain over twenty-five persons.

7. A well situated cemetery, remote from all habitations, without contact with any sheet of underground water, and drained half a meter below the level of the graves.

8. Steam disinfecting chambers in sufficient number and combining all the elements of safety, efficiency, and rapidity. Apparatuses for the destruction of rats.

9. Atomizers, disinfecting chambers, and the appliances necessary for chemical disinfection.

10. Machines for distilling water, apparatus for the sterilization of water by heat, and machines for manufacturing ice. For the distribution of the drinking water: Pipes and closed, tight tanks capable of being emptied only by stop-cocks or pumps.

11. A bacteriological laboratory with the necessary personnel.

12. A set of movable night-soil cans for receiving the previously disinfected fecal matters and spreading them over one of the most distant parts of the island from the camps, care being taken that these dumping grounds are properly managed from a hygienic standpoint.

13. All dirty water shall be removed from the camps and shall neither be allowed to stagnate nor be used in preparing food. The waste waters coming from hospitals shall be disinfected.

ARTICLE 132. The health authority shall provide a building for the food supplies and one for the fuel in each camp.

The schedule of prices fixed by the competent authority shall be posted up in several places in the camp in the principal language of the countries inhabited by the pilgrims.

The camp physician shall each day inspect the quality of the victuals and see that there is a sufficient supply thereof.

Water shall be furnished free of charge.

2. Stations of Abou-Ali, Abou-Saad, Djeddah, Vasta, and Yambo.

ARTICLE 133. The sanitary stations of Abou-Ali, Abou-Saad, and Vasta, as well as those of Djeddah and Yambo, shall fulfill the following conditions:

1. At Abou-Ali there shall be established four hospitals—two for plague patients (male and female) and two for cholera patients (male and female).

2. At Vasta a hospital for ordinary patients shall be created.

3. At Abou-Saad and Vasta stone lodgings with a capacity of fifty persons each shall be constructed.

4. Three disinfecting chambers shall be located at Abou-Ali, Abou-Saad, and Vasta, with laundries, accessories, and apparatus for the destruction of rats.

5. Shower baths shall be established at Abou-Saad and Vasta.

6. On each of the islands of Abou-Saad and Vasta there shall be installed distilling apparatus capable of furnishing altogether fifteen tons of water a day.

7. The measures with regard to fecal matters and dirty water shall be regulated in accordance with the rules adopted for Camaran.

8. A cemetery shall be established in one of the islands.

9. The sanitary arrangements at Djeddah and Yambo provided for in Article 150 shall be installed, and especially the disinfecting chambers and other means of disinfection for pilgrims leaving Hedjaz.

ARTICLE 134. The rules prescribed for Camaran with regard to food supplies and water shall be applicable to the camps of Abou-Ali, Abou-Saad, and Vasta.

B. SANITARY MEASURES APPLICABLE TO MUSSULMAN-PILGRIM SHIPS HAILING FROM THE NORTH AND BOUND TOWARD HEDJAZ.

ARTICLE 135. If plague or cholera is not known to exist in the port of departure or its neighborhood, and if no case of plague or cholera has occurred during the passage, the vessel shall be immediately granted pratique.

ARTICLE 136. If plague or cholera is known to exist in the port of departure or its vicinity, or if a case of plague or cholera has occurred during the voyage, the vessel shall be subjected at Tor to the rules established for vessels coming from the south and stopping at Camaran. The vessels shall thereupon be granted pratique.

SECTION V.—*Measures to be taken upon the return of pilgrims.*

A. PILGRIM SHIPS RETURNING NORTHWARD.

ARTICLE 137. Every vessel bound for Suez or for a Mediterranean port, having on board pilgrims or similar masses of persons, and hailing from a port of Hedjaz or from any other port on the Arabian coast of the Red Sea, must repair to Tor in order to undergo there the observation and the sanitary measures indicated in Articles 141 to 143.

ARTICLE 138. Vessels bringing Mussulman pilgrims back toward the Mediterranean shall pass through the canal in quarantine only.

ARTICLE 139. The agents of navigation companies and captains are warned that, after completing their observation period at the sanitary station of Tor, the Egyptian pilgrims will alone be permitted to leave the vessel permanently in order to return thereupon to their homes.

Only those pilgrims will be recognized as Egyptians or as residents of Egypt who are provided with a certificate of residence issued by an Egyptian authority and conforming to the established model. Samples of this certificate shall be deposited with the consular and health authorities of Djeddah and Yambo, where the agents and captains of vessels can examine them.

Pilgrims other than Egyptians, such as Turks, Russians, Persians, Tunisians, Algerians, Moroccans, etc., can not be landed in an Egyptian port after leaving Tor. Consequently, navigation agents and captains are warned that the transshipment of pilgrims not residents of Egypt at Tor, Suez, Port Said, or Alexandria is forbidden.

Vessels having pilgrims on board who belong to the nationalities mentioned in the foregoing paragraph shall be subject to the rules applicable to these pilgrims and shall not be received in any Egyptian port of the Mediterranean.

ARTICLE 140. Before being granted pratique, Egyptian pilgrims shall undergo an observation of three days and a medical examination at Tor, Souakim, or any other station designated by the Board of Health of Egypt.

ARTICLE 141. If plague or cholera is known to exist in Hedjaz or in the port from which the vessel hails, or if it has existed in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for infected vessels.

The persons stricken with plague or cholera shall be landed and isolated in the hospital. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the baggage and cargo suspected of contamination shall be landed and disinfected. Their disinfection as well as that of the vessel shall be thorough.

However, the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need undergo disinfection.

The measures provided by Articles 21 and 24 shall be applied with regard to the rats which may be found on board.

All the pilgrims shall be subjected to an observation of seven full days from the day on which the disinfecting operations are completed, whether it be a question of plague or of cholera. If a case of plague or cholera has appeared in one section, the period of seven days shall not begin for this section until the day on which the last case was discovered.

ARTICLE 142. In the case contemplated in the preceding Article, the Egyptian pilgrims shall be subjected, besides, to an additional observation of three days.

ARTICLE 143. If plague or cholera is not known to exist either in Hedjaz or in the port from which the vessel hails, and has not been known to exist in Hedjaz during the course of the pilgrimage, the

vessel shall be subjected at Tor to the rules adopted at Camaran for uninfected vessels.

The pilgrims shall be landed and take a shower or sea bath, and their soiled linen or the part of their wearing apparel and baggage which may appear suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including the debarkation and embarkation, shall not exceed seventy-two hours.

However, a pilgrim ship belonging to one of the nations which have adhered to the stipulations of the present and the previous conventions, if it has had no plague or cholera patients during the course of the voyage from Djeddah to Yambo or Tor and if the individual medical examination made at Tor after debarkation establishes the fact that it contains no such patients, may be authorized by the Board of Health of Egypt to pass through the Suez Canal in quarantine even at night when the four following conditions are fulfilled:

1. Medical attendance shall be given on board by one or several physicians commissioned by the governments to which the vessel belongs.

2. The vessel shall be provided with disinfecting chambers and it shall be ascertained that the soiled linen has been disinfected during the course of the voyage.

3. It shall be shown that the number of pilgrims does not exceed that authorized by the pilgrimage regulations.

4. The captain shall bind himself to repair directly to a port of the country to which the vessel belongs.

The medical examination shall be made as soon as possible after debarkation at Tor.

The sanitary tax to be paid to the quarantine administration shall be the same as the pilgrims would have paid had they remained in quarantine three days.

ARTICLE 144. A vessel which has had a suspicious case on board during the voyage from Tor to Suez shall be sent back to Tor.

ARTICLE 145. The transshipment of pilgrims is strictly forbidden in Egyptian ports.

ARTICLE 146. Vessels leaving Hedjaz and having on board pilgrims who are bound for a port on the African shore of the Red Sea shall be authorized to proceed directly to Souagim or to such other place as the Board of Health of Alexandria may determine, where they shall submit to the same quarantine procedure as at Tor.

ARTICLE 147. Vessels hailing from Hedjaz or from a port on the Arabian coast of the Red Sea with a clean bill of health, having no pilgrims or similar groups of people on board, and which have had no suspicious occurrence during the voyage, shall be granted pratique at Suez after a favorable medical inspection.

ARTICLE 148. When plague or cholera shall have been proven to exist in Hedjaz:

1. Caravans composed of Egyptian pilgrims shall, before going to Egypt, undergo at Tor a rigid quarantine of seven days in case of cholera or plague. They shall then undergo an observation of three days at Tor, after which they shall not be granted pratique until a favorable medical inspection has been made and their belongings have been disinfected.

2. Caravans composed of foreign pilgrims who are about to return to their homes by land routes shall be subjected to the same measures as the Egyptian caravans and shall be accompanied by sanitary guards to the edge of the desert.

ARTICLE 149. When plague or cholera has not been observed in Hedjaz, the caravans of pilgrims coming from Hedjaz by way of Akaba or Moila shall, upon their arrival at the canal or at Nakhel, be subjected to a medical examination and their soiled linen and wearing apparel shall be disinfected.

B. PILGRIMS RETURNING SOUTHWARD.

ARTICLE 150. Sufficiently complete sanitary arrangements shall be installed in the ports of embarkation of Hedjaz in order to render possible the application, to pilgrims who have to travel southward in order to return to their homes, of the measures which are obligatory by virtue of Articles 46 and 47 at the moment of departure of these pilgrims in the ports situated beyond the Straits of Bab-el-Mandeb.

The application of these measures is optional; that is, they are only to be applied in those cases in which the consular officer of the country to which the pilgrim belongs, or the physician of the vessel on which he is about to embark, deems them necessary.

CHAPTER III.—*Penalties.*

ARTICLE 151. Every captain convicted of not having conformed, in the distribution of water, provisions, or fuel, to the obligations assumed by him, shall be liable to a fine of two Turkish pounds.[a] This fine shall be collected for the benefit of the pilgrim who shall have been the victim of the default, and who shall prove that he has vainly demanded the execution of the agreement made.

ARTICLE 152. Every infraction of Article 104 shall be punished by a fine of thirty Turkish pounds.

ARTICLE 153. Every captain who has committed or who has knowingly permitted any fraud whatever concerning the list of pilgrims or the bill of health provided for in Article 110 shall be liable to a fine of fifty Turkish pounds.

ARTICLE 154. Every captain of a vessel arriving without a bill of health from the port of departure, or without a visé from the ports of call, or who is not provided with the list required by the regulations and regularly kept in accordance with Articles 110, 123, and 124, shall be liable in each case to a fine of twelve Turkish pounds.

ARTICLE 155. Every captain convicted of having or having had on board more than 100 pilgrims without the presence of a commissioned physician in conformity with the provisions of Article 103 shall be liable to a fine of thirty Turkish pounds.

ARTICLE 156. Every captain convicted of having or having had on board a greater number of pilgrims than that which he is authorized to embark in conformity with the provisions of Article 110 shall be liable to a fine of five Turkish pounds for each pilgrim in excess.

The pilgrims in excess of the regular number shall be landed at the first station at which a competent authority resides, and the captain

[a] The Turkish pound is worth 22 francs and 50 centimes.

shall be obliged to furnish the landed pilgrims with the money necessary to pursue their voyage to their destination.

ARTICLE 157. Every captain convicted of having landed pilgrims at a place other than their destination, except with their consent or excepting cases of *vis major*, shall be liable to a fine of twenty Turkish pounds for each pilgrim wrongfully landed.

ARTICLE 158. All other infractions of the provisions relative to pilgrim ships are punishable by a fine of from 10 to 100 Turkish pounds.

ARTICLE 159. Every violation proven in the course of a voyage shall be noted on the bill of health as well as on the list of pilgrims. The competent authority shall draw up a report thereof and deliver it to the proper party.

ARTICLE 160. In Ottoman ports, violations of the provisions concerning pilgrim ships shall be proven and the fine imposed by the competent authority in conformity with Articles 173 and 174.

ARTICLE 161. All agents called upon to assist in the execution of the provisions of the present convention with regard to pilgrim ships are liable to punishment in conformity with the laws of their respective countries in case of faults committed by them in the application of the said provisions.

TITLE IV.—SURVEILLANCE AND EXECUTION.

I.—*The Sanitary, Maritime, and Quarantine Board of Egypt.*

ARTICLE 162. The stipulations of Annex III of the Sanitary Convention of Venice of January 30, 1892, concerning the composition, rights and duties and operation of the Sanitary, Maritime, and Quarantine Board of Egypt, are confirmed as they appear in the decrees of His Highness the Khedive under date of June 19, 1893, and December 25, 1894, as well as in the ministerial decision of June 19, 1894.

The said decrees and decision are annexed to the present convention.

ARTICLE 163. The ordinary expenses resulting from the provisions of the present convention, especially those relating to the increase of the personnel belonging to the Sanitary, Maritime, and Quarantine Board of Egypt, shall be covered by means of an annual supplementary payment by the Egyptian Government of the sum of 4,000 Egyptian pounds, which may be taken from the surplus revenues from the light-house service remaining at the disposal of said Government.

However, the proceeds of a supplementary quarantine tax of 10 tariff dollars per pilgrim to be collected at Tor shall be deducted from this sum.

In case the Egyptian Government should find difficulty in bearing this share of the expenses, the Powers represented in the Board of Health shall reach an understanding with the Khedival Government in order to insure the participation of the latter in the expenses contemplated.

ARTICLE 164. The Sanitary, Maritime, and Quarantine Board of Egypt shall undertake the task of bringing the provisions of the present convention into conformity with the regulations at present enforced by it in regard to the plague, cholera, and yellow fever, as well

as with the regulations relative to arrivals from the Arabian ports of the Red Sea during the pilgrim season.

To the same end it shall, if necessary, revise the general regulations of the sanitary, maritime, and quarantine police at present in force.

These regulations, in order to become effective, must be accepted by the various Powers represented on the Board.

II.—*The Superior Board of Health of Constantinople.*

ARTICLE 165. The Superior Board of Health of Constantinople shall decide on the measures to be adopted in order to prevent the introduction of epidemic diseases into the Ottoman Empire and their transmission to foreign countries.

ARTICLE 166. The number of Ottoman delegates to the Superior Board of Health who shall take part in the voting of the Board is fixed at four members, namely:

The President of the Board or, in his absence, the person presiding over the meeting. They shall not take part in the voting except in case of a tie.

The Inspector General of the Sanitary Services.

The Service Inspector.

The Delegate acting as intermediary between the Board and the Sublime Port, called Mouhassebedgi.

ARTICLE 167. The appointment of the Inspector General, of the Service Inspector, and of the aforementioned Delegate, who are designated by the Board, shall be ratified by the Ottoman Government.

ARTICLE 168. The High Contracting Parties recognize the right of Roumania, as a maritime power, to be represented on the Board by one delegate.

ARTICLE 169. The delegates of the various nations shall be physicians holding regular diplomas from a European faculty of medicine and citizens or subjects of the country which they represent, or consular officers of the grade of vice-consul at least or an equivalent grade.

The delegates shall have no connection of any kind with the local authorities or with a maritime company.

These provisions do not apply to the present incumbents.

ARTICLE 170. The decisions of the Superior Board of Health, reached by a majority of the members who compose it, are of an executory character and without appeal.

The signatory governments agree that their representatives at Constantinople shall be instructed to notify the Ottoman Government of the present convention and to endeavor to obtain its accession thereto.

ARTICLE 171. The enforcement and surveillance of the provisions of the present convention with regard to pilgrimages and to measures against the invasion and propagation of plague and cholera are intrusted, within the scope of the jurisdiction of the Superior Board of Health of Constantinople, to a committee appointed entirely from among the members of this Board and composed of representatives of the various Powers which shall have adhered to the present convention.

The number of representatives of Turkey on this committee shall be three, one of them being president thereof. In case of a tie in voting the president shall have the casting vote.

ARTICLE 172. A corps of diplomaed physicians, disinfectors, and skilled mechanics, as well as of sanitary guards recruited from among persons who have performed military service as officers or noncommissioned officers, shall be created for the purpose of insuring the proper operation, under the direction of the Superior Board of Health of Alexandria, of the various sanitary establishments enumerated in and instituted by the present convention.

ARTICLE 173. The health authority of the Ottoman port of call or arrival who discovers a violation of the regulations, shall draw up a report thereof, on which the captain may enter his observations. A certified copy of this report shall be transmitted, at the port of call or arrival, to the consular officer of the country whose flag the vessel flies. The latter officer shall see that the fine is deposited with him. In the absence of a consul, the health authority shall receive this fine on deposit. The fine shall not be finally credited to the Superior Board of Health of Constantinople until the consular commission referred to in the following Article has pronounced upon the validity of the fine.

A second copy of the certified report shall be transmitted by the health authority who has discovered the violation to the President of the Board of Health of Constantinople, who shall communicate the document to the Consular Commission.

A minute shall be made on the bill of health by the health or consular authority, noting the violation discovered and the deposit of the fine.

ARTICLE 174. At Constantinople there shall be created a Consular Commission to pass judgment upon the contradictory declarations of the health officer and the captain under charge. It shall be appointed each year by the consular corps. The Health Department may be represented by an agent acting as public prosecutor. The consul of the nation interested shall always be summoned and shall be entitled to vote.

ARTICLE 175. The expenses of the establishment, within the jurisdiction of the Superior Board of Health of Constantinople, of the permanent and temporary sanitary posts contemplated by the present convention, shall be borne by the Ottoman Government as far as the construction of buildings is concerned. The Superior Board of Health of Constantinople is authorized, if there is urgent need, to advance the necessary sums out of the reserve fund; these sums shall be furnished it upon demand by "the Mixed Commission in charge of the revision of the sanitary tariff." It shall, in this case, see to the construction of these establishments.

The Superior Board of Health of Constantinople shall organize without delay the sanitary establishments of Hanikin and Kisil-Dizie, near Bayazid, upon the Turko-Persian and Turko-Russian frontiers, by means of the funds which are henceforth placed at its disposal.

The other expenses arising, within the jurisdiction of the said Board, in connection with the measures prescribed by the present

convention, shall be divided between the Ottoman Government and the Superior Board of Health of Constantinople, in conformity with the understanding reached between the Government and the Powers represented on this Board.

III.—*The International Health Board of Tangier.*

ARTICLE 176. In the interest of public health, the High Contracting Parties agree that their representatives in Morocco shall again invite the attention of the International Health Board of Tangier to the necessity of enforcing the provisions of the sanitary conventions.

IV.—*Miscellaneous Provisions.*

ARTICLE 177. Each Government shall determine the means to be employed for disinfection and for the destruction of rats.[a]

ARTICLE 178. The proceeds from the sanitary taxes and fines shall in no case be employed for objects other than those within the scope of the Boards of Health.

ARTICLE 179. The High Contracting Parties agree to have a set of instructions prepared by their health departments for the purpose of

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[a] The following modes of disinfection are given by way of suggestion:

Old clothing, old rags, infected materials used in dressing wounds, paper, and other objects without value should be destroyed by fire.

Wearing apparel, bedding, and mattresses contaminated by plague bacilli are positively disinfected—

By passing them through a disinfecting chamber using steam under pressure, or through a chamber with flowing steam at 100° C.

By exposure to vapors of formol.

Objects which may, without damage, be immersed in antiseptic solutions (bed covers, underclothes, sheets) may be disinfected by means of solutions of sublimate in the proportion of 1 per 1,000 of phenic acid in the proportion of 3 per 100, of lysol and commercial cresyl in the proportion of 3 per 100, of formol in the proportion of 1 per 100 (one part of the commercial solution of formaldehyde in the proportion of 40 per 100), or by means of alcaline hypochlorites (of soda, potassium) in the proportion of 1 per 100, that is, one part of the usual commercial hypochlorite.

It goes without saying that the time of contact should be long enough to allow dried up germs to be penetrated by the antiseptic solutions, four to six hours being sufficient.

For the destruction of rats three methods are at present employed:

1. That using sulphurous acid mixed with a small quantity of sulphuric anhydride, which is forced under pressure into the holds, stirring the air up. This causes the death of the rats and insects, and destroys the plague bacilli at the same time when the content of sulphuro-sulphuric anhydride is sufficiently great.

2. The process by which a noncombustible mixture of carbon monoxid and carbon dioxid is sent into the holds.

3. The process which utilizes carbonic acid in such a way that the content of this gas in the air of the vessel is about 30 per cent.

The last two procedures cause the death of the rodents, but are not claimed to kill the insects and plague bacilli.

The technical committee of the Paris Sanitary Conference of 1903 suggested the following three remedies, viz, a mixture of sulphuro-sulphuric anhydride, a mixture of carbon monoxid and carbonic acid, and carbonic acid, as being among those to which the governments might have recourse, and it was of opinion that, in case they were not used by the health department itself, the latter ought to supervise each operation and ascertain that the rats have been destroyed.

enabling captains of vessels, especially when there is no physician on board, to enforce the provisions contained in the present convention with regard to plague and cholera, as well as the regulations relative to yellow fever.

V.—*The Persian Gulf.*

ARTICLE 180. The expenses of construction and maintenance of the sanitary station whose creation at the Island of Ormuz is provided for by Article 81 of the present convention shall be borne by the Superior Board of Health of Constantinople. The mixed committee of revision of the said Board shall meet as soon as possible in order to furnish it, upon its demand, the necessary funds from the available reserves.

VI.—*An International Health Bureau.*

ARTICLE 181. The Conference having taken note of the annexed conclusions of its committee on ways and means regarding the creation of an international health bureau at Paris, the French Government shall, when it judges it opportune, submit propositions to this effect through diplomatic channels to the nations represented at the Conference.

TITLE V.—YELLOW FEVER.

ARTICLE 182. It is recommended that the countries interested modify their sanitary regulations so as to bring them into accord with the latest scientific data regarding the mode of transmission of yellow fever, and especially regarding the part played by mosquitoes as vehicles of the germs of the disease.

TITLE VI.—ADHESIONS AND RATIFICATIONS.

ARTICLE 183. The governments which have not signed the present convention shall be permitted to adhere thereto upon request. Notice of this adhesion shall be given through diplomatic channels to the Government of the French Republic and by the latter to the other signatory governments.

ARTICLE 184. The present convention shall be ratified and the ratifications thereof deposited at Paris as soon as possible.

It shall be enforced as soon as it shall have been proclaimed in conformity with the legislation of the signatory nations. In the respective relations of the Powers which shall have ratified it, it shall supersede the international sanitary conventions signed January 30, 1892; April 15, 1893; April 3, 1894; and March 19, 1897.

The previous arrangements enumerated above shall remain in force with regard to the Powers which, having signed or adhered to them, may not ratify or accede to the present act.

In witness whereof the respective Plenipotentiaries have signed the present convention and affixed thereto their seals.

Done at Paris on December 3, 1903, in a single copy which shall remain deposited in the archives of the Government of the French

Republic, and of which certified copies shall be transmitted through diplomatic channels to the Contracting Powers.

[L. S.] Signé: GROEBEN.
[L. S.] Signé: BUMM.
[L. S.] Signé: GAFFKY.
[L. S.] Signé: NOCHT.
[L. S.] Signé: SUZZARA.
[L. S.] Signé: EBNER.
[L. S.] Signé: Dr DAIMER.
[L. S.] Signé: CHYZER.
[L. S.] Signé: ROEDIGER.
[L. S.] Signé: E. BECO.
[L. S.] Signé: GABRIEL DE PIZA.
[L. S.] Signé: Marquis DE NOVALLAS.
[L. S.] Signé: H. D. GEDDINGS.
[L. S.] Signé: FRANK ANDERSON.
[L. S.] Signé: CAMILLE BARRÈRE.
[L. S.] Signé: GEORGES LOUIS.
[L. S.] Signé: P. BROUARDEL.
[L. S.] Signé: HENRI MONOD.
[L. S.] Signé: Dr ROUX.
[L. S.] Signé: J. DE CAZOTTE.
[L. S.] Signé: MAURICE DE BUNSEN.
[L. S.] Signé: THÉODORE THOMSON.
[L. S.] Signé: FRANK G. CLEMOW.
[L. S.] Signé: ARTHUR D. ALBAN.
[L. S.] Signé: N. DELYANNI.
[L. S.] Signé: S. CLADO.
[L. S.] Signé: ROCCO SANTOLIQUIDO.
[L. S.] Signé: PAULUCCI DE' CALBOLI.
[L. S.] Signé: ADOLFO COTTA.
[L. S.] Signé: VANNERUS.
[L. S.] Signé: SUZZARA.
[L. S.] Signé: W. WELDEREN RENGERS.
[L. S.] Signé: W. RUIJSCH.
[L. S.] Signé: Dr C. STÉKOULIS.
[L. S.] Signé: A. PLATE.
[L. S.] Signé: NAZAR AGA.
[L. S.] Signé: J. J. DA SILVA AMADO.
[L. S.] Signé: G. G. GHIKA.
[L. S.] Signé: Dr J. CANTACUZENE.
[L. S.] Signé: PLATON DE WAXEL.
[L. S.] Signé: MICHEL POPOVITCH.
[L. S.] Signé: LARDY.
[L. S.] Signé: Dr SCHMID.
[L. S.] Signé: M. CHÉRIF.
[L. S.] Signé: MARC ARMAND RUFFER.

Le Ministre des Affaires Étrangères de la République Française,
Certifié conforme à l'original:

[SEAL.] DELCASSÉ.

Annexes.

[Voir art. 78.]

Annexe I.—Règlement Relatif au Transit, en Train Quarantenaire, par le Territoire Égyptien, des Voyageurs et des Malles Postales Provenant des Pays Contaminés.

ARTICLE PREMIER.

L'Administration des Chemins de fer Égyptiens désirant un train quarantenaire en correspondance avec l'arrivée des navires provenant de ports contaminés devra en aviser l'autorité quarantenaire locale au moins deux heures avant le départ.

ART. 2.

Les passagers débarqueront à l'endroit indiqué par l'autorité quarantenaire d'accord avec l'Administration des Chemins de fer et le Gouvernement égyptien, et passeront directement, sans aucune communication, du bateau au train, sous la surveillance d'un officier du transit et de deux ou plusieurs gardes sanitaires.

ART. 3.

Le transport des effets, bagages, etc., des passagers sera effectué en quarantaine par les moyens du bord.

ART. 4.

Les agents du chemin de fer sont tenus de se conformer, en ce qui concerne les mesures quarantenaires, aux ordres de l'officier du transit.

ART. 5.

Les wagons affectés à ce service seront des wagons à couloir. Un garde sanitaire sera placé dans chaque wagon et sera chargé de la surveillance des passagers. Les agents du chemin de fer n'auront aucune communication avec les passagers.

Un médecin du service quarantenaire accompagnera le train.

ART. 6.

Les gros bagages des passagers seront placés dans un wagon spécial qui sera scellé au départ du train par l'officier du transit. A l'arrivée, les scellés seront retirés par l'officier du transit.

Tout transbordement ou embarquement sur le parcours est interdit.

ART. 7.

Les cabinets seront munis de tinettes contenant une certaine quantité d'antiseptique pour recevoir les déjections des passagers.

ART. 8.

Le quai des gares où le train sera obligé de s'arrêter sera complètement évacué sauf par les agents de service absolument indispensables.

ART. 9.

Chaque train pourra avoir un wagon-restaurant. La desserte de la table sera détruite. Les employés de ce wagon et les autres employés du chemin de fer qui, pour une raison quelconque, ont été en contact avec les passagers, seront assujettis au même traitement que les pilotes et les électriciens à Port-Saïd ou à Suez ou à telles mesures que le Conseil jugera nécessaires.

ART. 10.

Il est absolument défendu aux passagers de jeter quoi que ce soit par les fenêtres, portières, etc.

ART. 11.

Dans chaque train un compartiment-infirmerie restera vide pour y isoler les malades si le cas se présente. Ce compartiment sera installé d'après les indications du Conseil quarantenaire.

Si un cas de peste ou de choléra se déclarait parmi les passagers, le malade serait immédiatement isolé dans le compartiment spécial. Ce malade, à l'arrivée du train, sera immédiatement transféré au lazaret quarantenaire. Les autres passagers continueront leur voyage en quarantaine.

ART. 12.

Si un cas de peste ou de choléra se déclarait pendant le parcours, le train serait désinfecté par l'autorité quarantenaire.

Dans tous les cas, les fourgons ayant contenu les bagages et la malle seront désinfectés immédiatement après l'arrivée du train.

ART. 13.

Le transbordement du train au bateau sera fait de la même façon qu'à l'arrivée. Le bateau recevant les passagers sera immédiatement mis en quarantaine et mention sera faite sur la patente des accidents qui auraient pu survenir en cours de route, avec désignation spéciale des personnes qui auraient été en contact avec les malades.

ART. 14.

Les frais encourus par l'Administration quarantenaire sont à la charge de qui aura fait la demande du train quarantenaire.

ART. 15.

Le Président du Conseil, ou son remplaçant, aura le droit de surveiller ce train pendant tout son parcours.

Le Président pourra, en plus, charger un employé supérieur (outre l'officier du transit et les gardes) de la surveillance dudit train.

Cet employé aura accès dans le train sur la simple présentation d'un ordre signé par le Président.

[Voir art. 162.]

ANNEXE II.—DÉCRET KHÉDIVIAL DU 19 JUIN 1893.

Nous, Khédive d'Égypte,

Sur la proposition de Notre Ministre de l'Intérieur, et l'avis conforme de Notre Conseil des Ministres,

Considérant qu'il a été nécessaire d'introduire diverses modifications dans notre Décret du 3 janvier 1881 (2 Safer 1298),

Décrétons:

ARTICLE PREMIER.

Le Conseil Sanitaire, Maritime et Quarantenaire est chargé d'arrêter les mesures à prendre pour prévenir l'introduction en Égypte, ou la transmission à l'étranger, des maladies épidémiques et des épizooties.

ART. 2.

Le nombre des Délégués égyptiens sera réduit à quatre membres:

1° Le Président du Conseil, nommé par le Gouvernement Égyptien, et qui ne votera qu'en cas de partage des voix;

2° Un Docteur en médecine européen, Inspecteur général du Service Sanitaire, Maritime et Quarantenaire;

3° L'Inspecteur sanitaire de la ville d'Alexandrie, ou celui qui remplit ses fonctions;

4° L'Inspecteur vétérinaire de l'Administration des services sanitaires et de l'hygiène publique.

Tous les Délégués doivent être médecins régulièrement diplômés, soit par une Faculté de médecine européenne, soit par l'État, ou être fonctionnaires effectifs de carrière, du grade de vice-consul au moins, ou d'un grade équivalent. Cette disposition ne s'applique pas aux titulaires actuellement en fonctions.

ART. 3.

Le Conseil Sanitaire, Maritime et Quarantenaire exerce une surveillance permanente sur l'état sanitaire de l'Égypte et sur les provenances des pays étrangers.

ART. 4.

En ce qui concerne l'Égypte, le Conseil Sanitaire, Maritime et Quarantenaire recevra chaque semaine du Conseil de santé et d'hygiène publique, les bulletins sanitaires des villes du Caire et d'Alexandrie, et, chaque mois, les bulletins sanitaires des provinces. Ces bulletins devront être transmis à des intervalles plus rapprochés lorsque, à raison de circonstances spéciales, le Conseil Sanitaire, Maritime et Quarantenaire en fera la demande.

De son côté, le Conseil Sanitaire, Maritime et Quarantenaire communiquera au Conseil de santé et d'hygiène publique les décisions qu'il aura prises et les renseignements qu'il aura reçus de l'étranger.

Les Gouvernements adressent au Conseil, s'ils le jugent à propos, le bulletin sanitaire de leur pays et lui signalent, dès leur apparition, les épidémies et les épizooties.

ART. 5.

Le Conseil Sanitaire, Maritime et Quarantenaire s'assure de l'état sanitaire du pays et envoie des commissions d'inspection partout où il le juge nécessaire.

Le Conseil de santé et d'hygiène publique sera avisé de l'envoi de ces commissions et devra s'employer à faciliter l'accomplissement de leur mandat.

ART. 6.

Le Conseil arrête les mesures préventives ayant pour objet d'empêcher l'introduction en Égypte, par les frontières maritimes ou les frontières du désert, des maladies épidémiques ou des épizooties, et détermine les points où devront être installés les campements provisoires et les établissements permanents quarantenaires.

ART. 7.

Il formule l'annotation à inscrire sur la patente délivrée par les offices sanitaires aux navires en partance.

ART. 8.

En cas d'apparition de maladies épidémiques ou d'épizooties en Égypte, il arrête les mesures préventives ayant pour objet d'empêcher la transmission de ces maladies à l'étranger.

ART. 9.

Le Conseil surveille et contrôle l'exécution des mesures sanitaires quarantenaires qu'il a arrêtées.

Il formule tous les règlements relatifs au service quarantenaire, veille à leur stricte exécution, tant en ce qui concerne la protection du pays que le maintien des garanties stipulées par les conventions sanitaires internationales.

ART. 10.

Il réglemente, au point de vue sanitaire, les conditions dans lesquelles doit s'effecteur le transport de pèlerins à l'aller et au retour du Hedjaz, et surveille leur état de santé en temps de pélerinage.

ART. 11.

Les décisions prises par le Conseil Sanitaire, Maritime et Quarantenaire sont communiquées au Ministère de l'Intérieur; il en sera également donné connaissance au Ministère des Affaires étrangères, qui les notifiera, s'il y a lieu, aux agences et consulats généraux.

Toutefois, le Président du Conseil est autorisé à correspondre directement avec les Autorités consulaires des villes maritimes pour les affaires courantes du service.

ART. 12.

Le Président, et, en cas d'absence ou d'empêchement de celui-ci, l'Inspecteur général du Service Sanitaire, Maritime et Quarantenaire est chargé d'assurer l'exécution des décisions du Conseil.

A cet effet, il correspond directement avec tous les agents du Service Sanitaire, Maritime et Quarantenaire, et avec les diverses Autorités du pays. Il dirige, d'après les avis du Conseil, la police sanitaire des ports, les établissements maritimes quarantenaires et les stations quarantenaires du désert.

Enfin il expédie les affaires courantes.

ART. 13.

L'Inspecteur général sanitaire, les directeurs des offices sanitaires, les médecins des stations sanitaires et campements quarantenaires doivent être choisis parmi les médecins regulièrement diplômés, soit par une Faculté de médecine européenne, soit par l'État.

Le délégué du Conseil à Djeddah pourra être médecin diplômé du Caire.

ART. 14.

Pour toutes les fonctions et emplois relevant du Service Sanitaire, Maritime et Quarantenaire, le Conseil, par l'entremise de son Président, désigne ses candidats au Ministre de l'Intérieur, qui seul aura le droit de les nommer.

Il sera procédé de même pour les révocations, mutations et avancements.

Toutefois le Président aura la nomination directe de tous les agents subalternes, hommes de peine, gens de service, etc.

La nomination des gardes de santé est réservée au Conseil.

ART. 15.

Les directeurs des offices sanitaires sont au nombre de sept, ayant leur résidence à Alexandrie, Damiette, Port-Saïd, Suez, Tor, Souakim et Kosseir.

L'office sanitaire de Tor pourra ne fonctionner que pendant la durée du pèlerinage ou en temps d'épidémie.

ART. 16.

Les directeurs des offices sanitaires ont sous leurs ordres tous les employés sanitaires de leur circonscription. Ils sont responsables de la bonne exécution du service.

ART. 17.

Le chef de l'agence sanitaire d'El Ariche a les mêmes attributions que celles confiées aux directeurs par l'article qui précède.

ART. 18.

Les directeurs des stations sanitaires et campements quarantenaires ont sous leurs ordres tous les employés du service médical et du service administratif des établissements qu'ils dirigent.

ART. 19.

L'Inspecteur général sanitaire est chargé de la surveillance de tous les services dépendant du Conseil Sanitaire, Maritime et Quarantenaire.

ART. 20.

Le délégué du Conseil Sanitaire, Maritime et Quarantenaire à Djeddah a pour mission de fournir au Conseil des informations sur l'état sanitaire du Hedjaz, spécialement en temps de pèlerinage.

ART. 21.

Un Comité de discipline, composé du President, de l'Inspecteur général du Service Sanitaire, Maritime et Quarantenaire et de trois Délégués élus par le Conseil, est chargé d'examiner les plaintes portées contre les agents relevant du Service Sanitaire, Maritime et Quarantenaire.

Il dresse sur chaque affaire un rapport et le soumet à l'appréciation du Conseil, réuni en assemblée générale. Les Délégués seront renouvelés tous les ans. Ils sont rééligibles.

La décision du Conseil est, par les soins de son Président, soumise à la sanction du Ministre de l'Intérieur.

Le Comité de discipline peut infliger, sans consulter le Conseil: 1° le blame; 2° la suspension du traitement jusqu'à un mois.

ART. 22.

Les peines disciplinaires sont:

1° Le blâme;
2° La suspension de traitement depuis huit jours jusqu'à trois mois;
3° Le déplacement sans indemnité;
4° La révocation.

Le tout sans préjudice des poursuites à exercer pour les crimes ou délits de droit commun.

ART. 23.

Les droits sanitaires et quarantenaires sont perçus par les agents qui relèvent du Service Sanitaire, Maritime et Quarantenaire.

Ceux-ci se conforment, en ce qui concerne la comptabilité et la tenue des livres, aux règlements généraux établis par le Ministère des Finances.

Les agents comptables adressent leur comptabilité et le produit de leurs perceptions à la Présidence du Conseil.

L'agent comptable, chef du bureau central de la comptabilité, leur en donne décharge sur le visa du Président du Conseil.

ART. 24.

Le Conseil Sanitaire, Maritime et Quarantenaire dispose de ses finances.

L'administration des recettes et des dépenses est confiée à un Comité composé du Président, de l'Inspecteur général du Service Sanitaire, Maritime et Quarantenaire et de trois Délégués des Puis-

sances élus par le Conseil. Il prend le titre de " Comité des Finances." Les trois Délégués des Puissances sont renouvelés tous les ans. Ils sont rééligibles.

Ce Comité fixe, sauf ratification par le Conseil, le traitement des employés de tout grade; il décide les dépenses fixes et les dépenses imprévues. Tous les trois mois, dans une séance spéciale, il fait au Conseil un rapport détaillé de sa gestion. Dans les trois mois qui suivront l'expiration de l'année budgétaire, le Conseil, sur la proposition du Comité, arrête le bilan définitif et le transmet, par l'entremise de son Président, au Ministère de l'Intérieur.

Le Conseil prépare le budget de ses recettes et celui de ses dépenses. Ce budget sera arrêté par le Conseil des Ministres, en même temps que le budget général de l'État, à titre de budget annexe.—Dans le cas où le chiffre des dépenses excéderait le chiffre des recettes, le déficit sera comblé par les ressources générales de l'État. Toutefois, le Conseil devra étudier sans retard les moyens d'équilibrer les recettes et les dépenses. Ses propositions seront, par les soins du Président, transmises au Ministre de l'Intérieur. L'excédent des recettes, s'il en existe, restera à la caisse du Conseil Sanitaire, Maritime et Quarantenaire; il sera, après décision du Conseil Sanitaire ratifiée par le Conseil des Ministres, affecté exclusivement à la création d'un fonds de réserve destiné à faire face aux besoins imprévus.

ART 25.

Le Président est tenu d'ordonner que le vote aura lieu au scrutin secret, toutes les fois que trois membres du Conseil en font la demande. Le vote au scrutin secret est obligatoire toutes les fois qu'il s'agit du choix des Délégués des Puissances pour faire partie du Comité de discipline ou du Comité des Finances et lorsqu'il s'agit de nomination, révocation, mutation ou avancement dans le personnel.

ART. 26.

Les Gouverneurs, Préfets de police et Moudirs sont responsables, en ce qui les concerne, de l'exécution des règlements sanitaires. Ils doivent, ainsi que toutes les autorités civiles et militaires, donner leur concours lorsqu'ils en sont légalement requis par les agents du Service Sanitaire, Maritime et Quarantenaire, pour assurer la prompte exécution des mesures prises dans l'intérêt de la santé publique.

ART. 27.

Tous décrets et règlements antérieurs sont abrogés en ce qu'ils ont de contraire aux dispositions qui précèdent.

ART. 28.

Notre Ministre de l'Intérieur est chargé de l'exécution du présent décret, qui ne deviendra exécutoire qu'à partir du 1er Novembre 1893.

Fait au palais de Ramleh, le 19 juin 1893.

ABBAS HILMI.

Par le Khédive:
Le Président du Conseil, Ministre de l' Intérieur,
RIAZ.

Décret Khédivial du 25 décembre 1894.

Nous, Khédive d'Égypte,

Sur la proposition de Notre Ministre des Finances et l'avis conforme de Notre Conseil des Ministres;

Vu l'avis conforme de MM. les Commissaires-Directeurs de la Caisse de la dette publique en ce qui concerne l'article 7;

Avec l'assentiment des Puissances,

Décrétons:

ARTICLE PREMIER.

A partir de l'exercice financier 1894, il sera prélevé annuellement sur les recettes actuelles des droits de phare, une somme de 40,000 L. E., qui sera employée comme il est expliqué dans les articles suivants.

ART. 2.

La somme prélevée en 1894 sera affectée: 1° à combler le déficit éventuel de l'exercice financier 1894 du Conseil quarantenaire, au cas où ce déficit n'aurait pas pu être entièrement couvert avec les ressources provenant du fonds de réserve dudit Conseil, ainsi qu'il sera dit à l'article qui suit; 2° à faire face aux dépenses extraordinaires nécessitées par l'aménagement des établissements sanitaires d'El Tor, d Suez et des Sources de Moïse.

ART. 3.

Le fonds de réserve actuel du Conseil quarantenaire sera employé à combler le déficit de l'exercice 1894, sans que ce fonds puisse être réduit à une somme inférieure à 10,000 L. E.

Si le déficit ne se trouve pas entièrement couvert, il y sera fait face, pour le reste, avec les ressources créées à l'article premier.

ART. 4.

Sur la somme de L. E. 80,000, provenant des exercices 1895 et 1896, il sera prélevé: 1° une somme égale à celle qui aura été payée en 1894 sur les mêmes recettes, à valoir sur le déficit de ladite année 1894, de manière à porter à L. E. 40,000 le montant des sommes affectées aux travaux extraordinaires prévus à l'article 1er pour El Tor, Suez et les Sources de Moïse; 2° les sommes nécessaires pour combler le déficit du budget du Conseil quarantenaire, pour les exercices financiers 1895 et 1896.

Le surplus, après le prélèvement ci-dessus, sera affecté à la construction de nouveaux phares dans la Mer Rouge.

ART. 5.

A partir de l'exercice financier 1897, cette somme annuelle de L. E. 40,000 sera affectée à combler les déficits éventuels du Conseil quarantenaire. Le montant de la somme nécessaire à cet effet sera arrêté définitivement en prenant pour base les résultats financiers des exercices 1894 et 1895 du Conseil.

Le surplus sera affecté à une réduction des droits de phares: il est entendu que ces droits seront réduits dans la même proportion dans la Mer Rouge et dans la Méditerranée.

ART. 6.

Moyennant les prélèvements et affectations ci-dessus, le Gouvernement est, à partir de l'anée 1894, déchargé de toute obligation quelconque en ce qui concerne les dépenses soit ordinaires, soit extraordinaires du Conseil quarantenaire.

Il est entendu, toutefois, que les dépenses supportées jusqu'à ce jour par le Gouvernement Égyptien continueront à rester à sa charge.

ART. 7.

A partir de l'exercice 1894, lors du règlement de compte des excédents avec la Caisse de la Dette publique, la part de ces excédents revenant au Gouvernement sera majorée d'une somme annuelle de 20,000 L. E.

ART. 8.

Il a été convenu entre le Gouvernement Égyptien et les Gouvernements d'Allemagne, de Belgique, de Grande-Bretagne et d'Italie que la somme affectée à la réduction des droits de phares, aux termes de l'article 5 du présent décret, viendra en déduction de celle de 40,000 L. E. prévue dans les lettres annexées aux Conventions Commerciales intervenues entre l'Égypte et lesdits Gouvernements.

ART. 9.

Notre Ministre des Finances est chargé de l'exécution du présent décret.

Fait au Palais de Koubbeh, le 25 décembre 1894.

ABBAS HILMI.

Par le Khédive:
Le Président du Conseil des Ministres,
N. NUBAR.
Le Ministre des Finances,
AHMER MAZLOUM.
Le Ministre des Affaires étrangères,
BOUTROS GHALI.

ARRÊTÉ MINISTÉRIEL DU 19 JUIN 1893 CONCERNANT LE FONCTIONNEMENT DU SERVICE SANITAIRE, MARITIME ET QUARANTENAIRE.

Le Ministre de l'Intérieur,
Vu le Décret en date du 19 juin 1893,
Arrêté:

TITRE I.—*Du Conseil Sanitaire, Maritime et Quarantenaire.*

ARTICLE PREMIER.

Le Président est tenu de convoquer le Conseil Sanitaire, Maritime et Quarantenaire, en séance ordinaire, le premier mardi de chaque mois.

Il est également tenu de le convoquer lorsque trois membres en font la demande.

Il doit enfin réunir le Conseil, en séance extraordinaire, toutes les fois que les circonstances exigent l'adoption immédiate d'une mesure grave.

ART. 2.

La lettre de convocation indique les questions portées à l'ordre du jour. A moins d'urgence, il ne pourra être pris de décisions définitives que sur les questions mentionnées dans la lettre de convocation.

ART. 3.

Le secrétaire du Conseil rédige les procès-verbaux des séances.

Ces procès-verbaux doivent être présentés à la signature de tous les membres qui assistaient à la séance.

Ils sont intégralement copiés sur un registre qui est conservé dans les archives concurremment avec les originaux des procès verbaux.

Une copie provisoire des procès-verbaux sera délivrée à tout membre du Conseil qui en fera la demande.

ART. 4.

Une Commission permanente composée du Président, de l'Inspecteur général du Service Sanitaire, Maritime et Quarantenaire, et de deux Délégués des Puissances élus par le Conseil, est chargée de prendre les décisions et mesures urgentes.

Le Délégué de la nation intéressée est toujours convoqué. Il a droit de vote.

Le Président ne vote qu'en cas de partage.

Les décisions sont immédiatement communiquées par lettres à tous les membres du Conseil.

Cette Commission sera renouvelée tous les 3 mois.

ART 5.

Le Président ou, en son absence, l'Inspecteur général du Service Sanitaire, Maritime et Quarantenaire, dirige les délibérations du Conseil. Il ne vote qu'en cas de partage.

Le Président a la direction générale du Service. Il est chargé de faire exécuter les décisions du Conseil.

SECRÉTARIAT.

ART. 6.

Le secrétariat, placé sous la direction du Président, centralise la correspondance tant avec le Ministère de l'Intérieur qu'avec les divers agents du Service Sanitaire, Maritime et Quarantenaire.

Il est chargé de la statistique et des archives. Il lui sera adjoint des commis et interprètes en nombre suffisant pour assurer l'expédition des affaires.

ART 7.

Le secrétaire du Conseil, chef du secrétariat, assiste aux séances du Conseil et rédige les procès-verbaux.

Il a sous ses ordres les employés et gens du service du secrétariat.

Il dirige et surveille leur travail, sous l'autorité du Président.

Il a la garde et la responsabilité des archives.

BUREAU DE COMPTABILITÉ.

ART. 8.

Le chef du bureau central de la comptabilité est "agent comptable."

Il ne pourra entrer en fonctions avant d'avoir fourni un cautionnement, dont le quantum sera fixé par le Conseil Sanitaire, Maritime et Quarantenaire.

Il contrôle, sous la direction du Comité des finances, les opérations des préposés à la recette des droits sanitaires et quarantenaires.

Il dresse les états et comptes qui doivent être transmis au Ministère de l'Intérieur après avoir été arrêtés par le Comité des finances et approuvés par le Conseil.

DE L'INSPECTEUR GÉNÉRAL SANITAIRE.

ART. 9.

L'Inspecteur général sanitaire a la surveillance de tous les services dépendant du Conseil. Il exerce cette surveillance dans les conditions prévues par l'article 19 du Décret en date du 19 juin 1893.

Il inspecte, au moins une fois par an, chacun des offices, agences ou postes sanitaires.

En outre, le Président détermine, sur la proposition du Conseil et selon les besoins du service, les inspections auxquelles l'Inspecteur général devra procéder.

En cas d'empêchement de l'Inspecteur général, le Président désignera, d'accord avec le Conseil, le fonctionnaire appelé à le suppléer.

Chaque fois que l'Inspecteur général a visité un office, une agence, un poste sanitaire, une station sanitaire ou un campement quarantenaire, il doit rendre compte à la Présidence du Conseil, par un rapport spécial, des résultats de sa vérification.

Dans l'intervalle des ses tournées, l'Inspecteur général prend part, sous l'autorité du Président, à la direction du service général. Il supplée le Président en cas d'absence ou d'empêchement.

TITRE II.—*Service des ports, stations quarantenaires, stations sanitaires.*

ART. 10.

La police sanitaire, maritime et quarantenaire, le long du littoral égyptien de la Méditerranée et de la Mer Rouge, aussi bien que sur les frontières de terre du côté du désert, est confiée aux directeurs des offices de santé, directeurs des stations sanitaires ou campements quarantenaires, chefs des agences sanitaires ou chefs des postes sanitaires et aux employés placés sous leurs ordres.

ART. 11.

Les directeurs des offices de santé ont la direction et la responsabilité du service, tant de l'office à la tête duquel ils sont placés que des postes sanitaires qui en dépendent.

Ils doivent veiller à la stricte exécutions des règlements de police sanitaire, maritime et quarantenaire. Ils se conforment aux instructions qu'ils reçoivent de la Présidence du Conseil et donnent à tous les employés de leur office, aussi bien qu'aux employés des postes sanitaires qui y sont rattachés, les ordres et les instructions nécessaires.

Ils sont chargés de la reconnaissance et de l'arraisonnement des navires, de l'application des mesures quarantenaires, et ils procèdent, dans les cas prévus par les règlements, à la visite médicale, ainsi qu'aux enquêtes sur les contraventions quarantenaires.

Ils correspondent seuls pour les affaires administratives avec la Présidence, à laquelle ils transmettent tous les renseignements sanitaires qu'ils ont recueillis dans l'exercice de leurs fonctions.

ART. 12.

Les directeurs des offices de santé sont, au point de vue du traitement, divisés en deux classes:

Les offices de première classe, qui sont au nombre de quatre:

Alexandrie;

Port-Saïd;

Bassin de Suez et campement aux Sources de Moïse;

Tor.

Les offices de deuxième classe, qui sont au nombre de trois:

Damiette;

Souakim;

Kosseir.

ART. 13.

Les chefs des agences sanitaires ont les mêmes attributions, en ce qui concerne l'agence, que les directeurs en ce qui concerne leur office.

ART. 14.

Il y a une seule agence sanitaire à El Ariche.

ART. 15.

Les chefs de postes sanitaires ont sous leurs ordres les employés du poste qu'ils dirigent. Ils sont placés sous les ordres du directeur d'un des offices de santé.

Ils sont chargés de l'exécution des mesures sanitaires et quarantenaires indiquées par les règlements.

Ils ne peuvent délivrer aucune patente et ne sont autorisés à viser que les patentes des bâtiments partant en libre pratique.

Ils obligent les navires qui arrivent à leur échelle avec une patente brute ou dans des conditions irrégulières à se rendre dans un port où existe un office sanitaire.

Ils ne peuvent eux-mêmes procéder aux enquêtes sanitaires, mais ils doivent appeler à cet effet le directeur de l'office dont ils relèvent.

En dehors des cas d'urgence absolue, ils ne correspondent qu'avec ce directeur pour toutes les affaires administratives. Pour les affaires sanitaires et quarantenaires urgentes, telles que les mesures à prendre au sujet d'un navire arrivant, ou l'annotation à inscrire sur la patente d'un navire en partance, ils correspondent directement avec la Présidence du Conseil; mais ils doivent donner sans retard communication de cette correspondance au directeur dont ils dépendent.

Ils sont tenus d'aviser, par les voies les plus rapides, la Présidence du Conseil des naufrages dont ils auront connaissance.

ART. 16.

Les postes sanitaires sont au nombre de six énumérés ci-après:

Postes du Port-Neuf, d'Aboukir, Brullos et Rosette, relevant de l'office de Port-Saïd.

Postes de Kantara et du port intérieur d'Ismaïlia, relevant de l'office de Port-Saïd.

Le Conseil pourra, suivant les nécessités du service, et suivant ses resources, créer de nouveaux postes sanitaires.

ART. 17.

Le service permanent ou provisoire des stations sanitaires et des campements quarantenaires est confié à des directeurs qui ont sous leurs ordres des employés sanitaires, des gardiens, des portefaix et des gens de service.

ART. 18.

Les directeurs sont chargés de faire subir la quarantaine aux personnes envoyées à la station sanitaire ou au campement. Ils veillent, de concert avec les médecins, à l'isolement des différentes catégories de quarantenaires et empêchent toute compromission. A l'expiration du délai fixé, ils donnent la libre pratique ou la suspendent conformément aux règlements, font pratiqeur la désinfection des marchandises et des effets à usage, et appliquent la quarantine aux gens employés à cette opération.

ART. 19.

Ils exercent une surveillance constante sur l'exécution des mesures prescrites, ainsi que sur l'état de santé des quarantenaires et du personnel de l'établissement.

ART. 20.

Ils sont responsables de la marche du service et en rendent compte, dans un rapport journalier, à la Présidence du Conseil Sanitaire, Maritime et Quarantenaire.

ART. 21.

Les médecins attachés aux stations sanitaires et aux campements quarantenaires relèvent des directeurs de ces établissements. Ils ont sous leurs ordres le pharmacien et les infirmiers.

Ils surveillent l'état de santé des quarantenaires et du personnel, et dirigent l'infirmerie de la station sanitaire ou du campement.

La libre pratique ne peut être donnée aux personnes en quarantaine qu'après visite et rapport favorable du médecin.

ART. 22.

Dans chaque office sanitaire, station sanitaire ou campement quarantenaire, le directeur est aussi "agent comptable."

Il désigne, sous sa responsabilité personnelle effective, l'employé préposé à l'encaissement des droits sanitaires et quarantenaires.

Les chefs d'agences ou postes sanitaires sont également agents comptables; ils sont chargés personnellement d'effecteur la perception des droits.

Les agents chargés du recouvrement des droits doivent se conformer, pour les garanties à présenter, la tenue des écritures, l'époque des versements, et généralement tout ce qui concerne la partie financière de leur service, aux règlements émanant du Ministère des Finances.

ART. 23.

Les dépenses du Service Sanitaire, Maritime et Quarantenaire seront acquittées par les moyens propres du Conseil, ou d'accord avec le Ministère des Finances, par le service des caisses qu'il désignera.

Le Caire, le 19 juin 1893.

RIAZ.

[Voir art. 181.]

ANNEXE III.—RÉSOLUTIONS DE LA COMMISSION DES VOIES ET MOYENS DE LA CONFÉRENCE SANITAIRE DE PARIS RELATIVES À UN OFFICE INTERNATIONAL DE SANTÉ.

I.—Il est créé un Office international de Santé d'après les principes qui ont présidé à la formation et au fonctionnement du Bureau international des Poids et Mesures. Ce bureau aura son siège à Paris.

II.—L'Office international aura pour mission de recueillir les renseignements sur la marche des maladies infectieuses. Il recevra à cet effet les informations qui lui seront communiquées par les autorités supérieures d'hygiène des États participants.

III.—L'Office exposera périodiquement les résultats de ses travaux dans des rapports officiels qui seront communiqués aux Gouvernements contractants. Ces rapports devront être rendus publics.

IV.—L'Office sera alimenté par les contributions des Gouvernements contractants.

V.—Le Gouvernement, sur le territoire duquel sera établi l'Office international de Santé, sera chargé, dans un délai de trois mois après la signature des actes de la Conférence, de soumettre à l'approbation des États contractants un Règlement pour l'installation et le fonctionement de cette institution.

CONFÉRENCE SANITAIRE INTERNATIONALE DE PARIS.

Procés-verbal de signature—Séance du jeudi 3 décembre 1903.

PRÉSIDENCE DE M. BARRÈRE.

Le jeudi trois décembre mil neuf cent trois, la Conférence Sanitaire Internationale s'est réunie en séance plénière à trois heures de l'après-midi en l'hôtel du Ministère des Affaires étrangères.

Etaient présents:

Pour l'Allemagne:

M. le Comte de Groeben, Conseiller de Légation et premier Secrétaire à l'Ambas sade impériale d'Allemagne à Paris.

M. Bumm, Conseiller intime supérieur de Régence, Membre du Conseil sanitaire de l'Empire;

M. le Docteur Gaffky, Conseiller intime de Médecine Grand-ducal Hessois et Professeur à l'Université de Giessen, Membre du Conseil sanitaire de l'Empire;

M. le Docteur Nocht, Médecin du port de Hambourg, Membre du Conseil sanitaire de l'Empire,

Pour la République Argentine;

M. le Docteur Davél, Chef du service des Maladies infectieuses à la Casa de Expositos à Buenos-Ayres.

Pour l'Autriche-Hongrie:

Pour l'Autriche et pour la Hongrie: M. le Chevalier Alexandre de Suzzara, Chef de Section au Ministère Impèrial et Royal des Affaires Étrangères;

Pour l'Autriche: M. Noël Ebner d'Ebenthall, Président de l'Administration maritime Impériale et Royale à Trieste;

M. Joseph Daimer, Conseiller au Ministère Impérial et Royal de l'Intérieur;

Pour la Hongrie: M. Kornel Chyzer, Conseiller au Ministère Royal Hongrois de l'Intérieur;

M. Ernest Roediger, Conseiller de Section.

Pour la Belgique:

M. Beco, Secrétaire général du Ministère de l'Agriculture, chargé de la Direction générale du Service de Santé et de l'Hygiène publique.

Pour le Brésil:

M. G. de Piza, Envoyé extraordinaire et Ministre plénipotentiaire près le Président de la République Française.

Pour le Danemark:

M. le Comte de Reventlow, Ministre de Danemark près le Président de la République Française.

Pour l'Espagne:

M. Fernand Jordan de Urries y Ruiz de Arana, Marquis de Novallas, Chambellan de Sa Majesté, Premier Secrétaire de l'Ambassade Royale d'Espagne à Paris.

Pour les États-Unis:

M. le Docteur H. D. Geddings, Chirurgien général adjoint du Service de la Santé et de l'Hôpital de la Marine;

M. Frank Anderson, Inspecteur médical de la Marine.

Pour la France:

M. Camille Barrère, Ambassadeur de la Rèpublique française près S. M. le Roi d'Italie;

M. Georges Louis, Ministre plénipotentiaire de 1re classe, Directeur des consulats et des affaires commerciales au Ministère des affaires étrangères;

M. le Professeur Brouardel, Doyen honoraire de la Faculté de médecine de Paris, Président du Comité consultatif d'Hygiène publique de France, Membre de l'Institut et de l'Académie de médecine;

M. Henri Monod, Conseiller d'État, Directeur de l'Assistance et de l'Hygiene publiques au Ministère de l'Intérieur, Membre de l'Académie de médecine;

M. le Docteur Emile Roux, Sous-Directeur de l'Institut Pasteur, Vice-Président du Comité consultatif d'Hygiène publique de France, Membre de l'Académie des sciences et de l'Académie de médecine;

M. Jacques de Cazotte, Sous-Directeur de Affaires Consulaires au Ministére des Affaires Étrangères;

M. le Docteur Legrand, Médecin sanitaire de France à Alexandrie.

Pour la Grande-Bretagne:

M. Maurice William Ernest de Bunsen, Ministre Plénipotentiaire, faisant fonctions de Premier Secrétaire à l'Ambassade Royale britannique à Paris;

M. le Docteur Théodore Thomson, du "Local Government Board;"

M. le Docteur Frank Gerard Clemow, Délégué de la Grande-Bretagne au Conseil supérieur de santé de Constantinople;

M. Arthur David Alban, Consul de Sa Majesté Britannique au Caire;

M. John Richardson, Médecin en chef, membre du Comité sanitaire de l'Armée, Délégué pour l'Inde britannique.

Pour la Grèce:

M. Delyanni, Envoyé Extraordinaire et Ministre Plénipotentiaire près le Président de la République Française;

M. le Docteur S. Clado, Médecin de la Légation Royale Hellénique à Paris.

Pour l'Italie:

M. le Commandeur Rocco Santoliquido, Directeur général de la Santé publique d'Italie;

M. le Marquis Paulucci de' Calboli, Conseiller à l'Ambassade royale d'Italie à Paris;

M. le Chevalier Adolphe Cotta, Chef du bureau des Affaires générales à la Direction générale de la Santé publique d'Italie.

Pour le Grande-Duché de Luxembourg:

M. Vannerus, Chargé d'Affaires de Luxembourg à Paris.

Pour le Monténégro:

M. le Chevalier Alexandre de Suzzara, Chef de section au Ministère Impérial et Royal des Affaires Étrangères d'Autriche-Hongrie.

Pour les Pays-Bas:

M. le Baron W. B. R. de Welderen Rengers, Conseiller de la Légation Royale des Pays-Bas à Paris;

M. le Docteur W. P. Ruijsch, Inspecteur général du Service sanitaire dans la Hollande méridionale et la Zélande, Membre du Conseil supérieur d'hygiène;

M. le Docteur C. Stékoulis, Délégué des Pays-Bas au Conseil supérieur de santé de Constantinople;

M. A. Plate, Président de la Chambre de Commerce de Rotterdam, Membre extraordinaire du Conseil supérieur d'hygiène.

Pour la Perse:

M. le Général Nazare Aga Yémin-Es-Saltané, Envoyé Extraordinaire et Ministre Plénipotentiaire près le Président de la République Française.

Pour le Portugal:

M. le Docteur José Joaquin Da Silva Amado, du Conseil de S. M. Très Fidèle, Professeur à l'Institut d'hygiène de Lisbonne, Vice-Président de l'Académie Royale des Sciences.

Pour la Roumanie:

M. Grégoire G. Ghika, Envoyé Extraordinaire et Ministre Plénipotentiaire près le Président de la République Française;

M. le Docteur Jean Cantacuzène, Membre du Conseil sanitaire supérieur de Roumanie.

Pour la Russie:

M. Platon de Waxel, Conseiller d'État actuel.

Pour la Serbie:

M. le Docteur Michel Popovitch, Chargé d'Affaires à Paris.

Pour la Suède et la Norvège:

M. H. Akerman, Ministre de Suède près le Président de la République Française.

Pour la Suisse:

M. Charles Edouard Lardy, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse près le Président de la République Française;

M. le Docteur F. Schmid, Directeur du Bureau sanitaire fédéral.

Pour l'Empire ottoman:

M. le Docteur Duca Pacha, Inspecteur Général de l'Administration sanitaire de l'Empire ottoman;

M. le Général Djellal Ismaïl Pacha, Professeur agrégé de clinique interne à l'Ecole impériale de médecine.

Pour l'Egypte: Mohamed Chérif Pacha, Sous-Secrétaire d'État au Ministère des Affaires étrangères;

M. le Docteur M. A. Ruffer, Président du Conseil sanitaire, maritime et quarantenaire d'Egypte.

M. le Président présente à la Conférence le texte authentique du projet de Convention où sont consignés les résultats des travaux de la Conférence. Il invite les Délégués qui sont munis des pouvoirs nécessaires à signer cette Convention dont l'instrument diplomatique a été préparé en un seul exemplaire, suivant un usage déjà établi par plusieurs précédents.

Cet exemplaire restera déposé dans les archives du Gouvernement de la République et une copie certifiée conforme en sera remise par la voie diplomatique à chacune des Puissances signataires.

MM. les Délégués de Belgique, d'Espagne, de France, d'Italie, de Luxembourg, de Monténégro, de Russie, de Roumanie et de Suisse annoncent qu'ils sont prêts à signer la Convention.

M. le Docteur da Silva Amado, Délégué du Portugal, déclare, au nom de son Gouvernement, qu'il est autorisé à signer la Convention *ad referendum*.

M. Delyanni, Délégué de Grèce, fait la même déclaration.

M. le Docteur Duca Pacha, Délégué de l'Empire ottoman, donne lecture de la déclaration suivante:

" MM. les Délégués ottomans, au nom de leur Gouvernement, déclarent qu'ils sont autorisés à accéder, *ad referendum*, sous le bénéfice des réserves qu'ils ont faites dans les protocoles et dans les procès-verbaux, ainsi qu'à l'occasion des votes, aux questions n^{os} un, deux, trois, quatre, cinq, sept et neuf du rapport de M. Proust, et maintiennent leurs protestations pour les questions n° six, concernant la modification du Conseil supérieur de Santé de Constantinople; n° huit, concernant l'obligation, pour le Conseil supérieur de Santé de Constantinople d'exécuter les décisions de la Conférence; n° dix, concernant

la création d'un Bureau sanitaire international; questions que le Gouvernement impérial ottoman considère comme n'entrant point dans les prérogatives de la Conférence, et aux discussions desquelles MM. les Délégués ottomans se sont abstenus de prendre part.

"MM. les Délégués ottomans maintiennent également leurs protestations, faites en séance plénière du 16 novembre 1903, en ce qui concerne la déclaration de l'état sanitaire du pèlerinage et du Hedjaz, et déclarent protester contre tout envoi de médecins étrangers au Hedjaz pour accompagner les pèlerins de leur nationalité."

M. Barrère, Président de la Conférence, constate que, dans ces conditions, MM. les Délégués ottomans ne pourront signer que le procès-verbal de signature.

M. Akerman, Délégué de Suède et Norvège, fait connaître qu'il n'est pas autorisé à proceder à la signature de la Convention, ni pour la Suède, ni pour la Norvège. Il réserve d'ailleurs pour chacun des Royaumes-Unis le droit d'y accéder après examen.

M. le Général Nazare Aga, Délégué de Perse, déclare signer la Convention *ad referendum*.

M. le Comte de Reventlow, Délégué de Danemark, déclare qu'il n'est pas autorisé à signer la Convention, mais seulement les procès-verbaux constatant le résultat des travaux de la Conférence.

M. le Comte de Groeben, premier Délégué d'Allemagne, lit la déclaration suivante:

"Tout en autorisant les Délégués d'Allemagne à signer la Convention, le Gouvernement Impérial leur a donné l'instruction de faire la déclaration suivante:

1° Art. 15, 3°.—"Le Gouvernement allemand aime à espérer que dans la réglementation relative au tariff de *dératisation*, tous les Gouvernements seront d'accord pour éviter, dans leurs tarifs spéciaux, une surcharge des frais de *dératisation*, dans le cas où elle sera effectuée par une société ou par un particulier.

2° Art. 24, I, *a*.—"De ce que, dans l'article 24, I, § *a*, il est seulement question du terme "objets," on ne doit pas conclure que, sur les autres navires (voir les articles 21, 22, 26 et 27), la désinfection des objets ne serait également pas admise.

"L'article 12, réglant la désinfection des objets, doit être considéré comme applicable à tous les navires.

3° Art. 181 et Annexe III.—"Le Gouvernement impérial renouvelle les réserves faites par sa Délégation dans la Commission des voies et moyens, à l'égard d'un tel établissement."

La Conférence donne acte de cette déclaration.

Chérif Pacha, premier Délégué d'Egypte, indique que, tout en signant la Convention *ad referendum*, les Plénipotentiaires égyptiens ont le devoir de faire connaître que le Gouvernement khédivial n'est pas en mesure d'accepter les dispositions de l'article 163.

La Conférence donne acte de cette déclaration.

M. le Baron de Welderen Rengers, premier Délégué des Pays-Bas, donne lecture de la communication ci-après:

"La Délégation néerlandaise est autorisée à signer la présente Convention en déclarant que son Gouvernement interprète l'article 169 de la Convention de telle façon qu'il aura le droit de nommer, pour le cas où son Délégué actuel ne sera plus en fonctions, comme Délégué au Conseil supérieur de santé de Constantinople, soit un médecin régulièrement diplômé néerlandais, soit un fonctionnaire consulaire

du grade de Vice-Consul au moins, quel que soit le pays que ce dernier représente ou la nationalité à laquelle il appartient."

La Conférence donne acte de cette déclaration.

M. de Bunsen, premier Délégué de la Grande-Bretagne, fait la déclaration suivante:

" Tout en autorisant les Délégués de la Grande-Bretagne à signer la Convention, le Gouvernement de Sa Majesté britannique leur a donné l'instruction de faire en son nom la déclaration suivante:

" En ce qui concerne la question d'un Office international de santé (art. 181 et annexe III de la Convention) le Gouvernement de Sa Majesté renouvelle les réserves faites par sa Délégation dans la Commission des voies et moyens, sur l'utilité d'un tel établissement.

" En ce qui concerne les articles 81, 82 et 180 (station sanitaire d'Ormuz), il renouvelle la déclaration faite par sa Délégation à la sixième séance plénière de la Conférence, en y ajoutant les réserves suivantes, qu'il attache également à son acceptation desdits articles:

" Qu'il soit bien entendu: 1° que la Commission mixte pour la revision des tarifs sanitaires ne soit autorisée à statuer sur la provenance des fonds pour la construction de ladite station qu'avec l'assentiment de tous ses membres, et 2° qu'on ne procède à l'établissement de la dite station qu'après la réorganisation du Conseil supérieur de santé de Constantinople, conformément aux prescriptions de la présente Convention.

" Les Plénipotentiaires britanniques déclarent en outre que les stipulations de la présente Convention ne seront applicables à aucune des colonies, possessions ou protectorats de Sa Majesté britannique qu'après notification à cet effet addressée par le Représentant de Sa Majesté britannique à Paris au Ministre des Affaires étrangères de la République française, au nom de telle colonie, possession ou protectorat.

" Il est entendu par le Gouvernement britannique que le droit de dénonciation de la présente Convention, ainsi que le droit des Puissances de se concerter pour l'introduction de modifications dans le texte de la Convention, subsiste, ainsi qu'il résultait de la Convention de Venise de 1897.

" En ce qui concerne les frais de dératisation, lorsque cette mesure est exécutée par une société ou par un individu, la Délégation d'Angleterre s'associe au vœu que vient d'émettre la Délégation d'Allemagne."

La Conférence donne acte de cette déclaration.

M. de Piza, Délégué du Brésil, annonce qu'il signera la Convention *ad referendum*.

M. de Suzzara, Délégué d'Autriche-Hongrie, lit la déclaration ci-après, dont la Conférence lui donne acte:

" L'Autriche-Hongrie, tout en signant la Convention, ne croit pas pouvoir se départir des réserves faites par sa Délégation au cours des discussions de la Commission des voies et moyens à l'égard de l'établissement prévu par l'article 181 de la Convention."

MM. les Délégués des États-Unis d'Amérique se déclarent prêts à signer la Convention *ad referendum*, en faisant seulement des réserves quant à la substitution de la *surveillance* à *l'observation*, en raison de la législation particulière des différents États de l'Union.

La Conférence donne acte de cette déclaration.

M. Popovitch, Délégué de Serbie, fait connaître qu'il est en mesure de signer la Convention *ad referendum*.

Sous le bénéfice des déclarations qui précèdent, la Convention est signée par les Délégués munis des pleins pouvoirs nécessaires.

M. le Président donne ensuite lecture du vœu suivant, qui a été émis par la Conférence en ce qui concerne le pèlerinage marocain:

"La Conférence a exprimé le vœu que le pèlerinage marocain soit dûment réglementé et qu'une station sanitaire soit installée au Maroc dans un lieu facilement abordable, bien isolé et à proximité du siège du Conseil, à Malabata par exemple, de manière que le Conseil puisse surveiller l'exécution des mesures sanitaires."

En foi de quoi, les soussignés, Délégués à la Conférence sanitaire internationale de Paris, ont signé le présent Procès-verbal, auquel une copie authentique de la Convention sera annexée.

Signé: GROEBEN.	Signé: BUMM.
	" GAFFKY.
	" NOCHT.
" Dr DAVÉL.	
" SUZZARA.	" EBNER.
	" Dr DAIMER.
	" ROEDIGER.
	" CHYZER.
" BECO.	
" GABRIEL DE PIZA.	
" REVENTLOW.	
" Marquis DE NOVALLAS.	
" FRANK ANDERSON.	" H. D. GEDDINGS.
" CAMILLE BARRÈRE.	" GEORGES LOUIS.
	" P. BROUARDEL.
	" HENRI MONOD.
	" Dr ROUX.
	" J. DE CAZOTTE.
	" H. LEGRAND.
" MAURICE DE BUNSEN.	" THÉODORE THOMSON.
	" FRANK G. CLEMOW.
	" ARTHUR D. ALBAN.
	" J. RICHARDSON.
" N. DELYANNI.	
" S. CLADO.	
" ROCCO SANTOLIQUIDO.	" PAULUCCI DE' CALBOLI.
	" ADOLFO COTTA.
" VANNERUS.	
" SUZZARA.	
" W. WELDEREN RENGERS.	" W. RUIJSCH.
	" Dr C. STÉKOULIS.
	" A. PLATE.
" NAZARE AGA.	
" J. J. DA SILVA AMADO.	
" GR. G. GHIKA.	" Dr J. CANTACUZÈNE.
" PLATON DE WAXEL.	
" Dr MICHEL POPOVITCH.	
" H. AKERMAN.	
" LARDY.	" Dr SCHMID.
" Dr DUCA.	" Dr DJELLAL.
" M. CHÉRIF.	" MARC ARMAND RUFFER.

Certifié conforme à l'original:
Le Président de la Conférence:
Pour le Président et par autorisation spéciale,
Le Chef du Secrétariat de la Conférence:

ER. RONSSIN.

[Translation.]

PROCÈS-VERBAL OF THE DEPOSIT OF THE RATIFICATIONS OF THE INTERNATIONAL SANITARY CONVENTION SIGNED AT PARIS DECEMBER 3, 1903.

In execution of Article 184 of the International Sanitary Convention of December 3, 1903, the undersigned, representatives of the cosignatory Powers, to wit: H. S. H. Prince Radolin, Ambassador of Germany; His Exc. Count de Khevenhüller-Metsch, Ambassador of Austria-Hungary; M. Leghait, Minister of Belgium; M. de Piza, Minister of Brazil; H. Exc. Mr. White, Ambassador of the United States of America; H. Exc. M. Pichon, Minister of Foreign Affairs of the French Republic; H. Exc. Sir Francis Bertie, Ambassador of his Britannic Majesty; H. Exc. Count Tornielli, Ambassador of Italy; M. Vannerus, Chargé d'Affaires of Luxemburg; M. Brunet, Consul of Montenegro at Paris; M. le Chevalier de Stuers, Minister of the Netherlands; Samad Khan, Minister of Persia; M. Ghika, Minister of Roumania; H. Exc. M. de Nélidow, Ambassador of Russia; M. Lardy, Minister of Switzerland, met in the Ministry of Foreign Affairs at Paris in order to deposit the ratifications of the High Contracting Powers with the Government of the French Republic.

The Undersigned note that:

I. The Governments of Greece and Servia having given notice, by means of two communications delivered to the Legations of the French Republic at Athens and Belgrade on May 16 and July 14, 1904, that they did not adhere to the said Convention, it follows that Greece and Servia, whose delegates signed this act *ad referendum*, can not be considered as contracting parties.

II. The ratification of the President of the United States of America is deposited with the following declaration, to wit: "That it is necessary to substitute "observation" for "surveillance" in the United States in the cases contemplated by articles 21 *et seq.*, on account of the peculiar legislation of the different States of the Union."

III. The ratification of H. M. the King of the United Kingdom of Great Britain and Ireland, Emperor of India, is deposited with the following declarations:

"1. That the establishment of a sanitary station on the Island of Ormuz by the Superior Board of Health of Constantinople shall not take place until the said Board shall have been reorganized in conformity with the provisions of the Convention of December 3, 1903, and until the Mixed Tariff Commission shall have placed funds at the disposal of the said Board for this purpose by a unanimous decision.

"2. That the stipulations of the said Convention shall not be applicable to the colonies, possessions, or protectorates of His Britannic Majesty until after notification to this effect shall have been sent by the Representative of His Britannic Majesty at Paris to the Minister

of Foreign Affairs of the French Republic in the name of such colony, possession, or protectorate."

IV. The ratification of H. M. the Shah of Persia is deposited with the following declaration, to-wit: "That it shall be understood that the flag which is to fly over the sanitary station of Ormuz shall be the Persian flag and that the armed guards who may be necessary to insure the observance of the sanitary measures shall be furnished by the Persian Government."

V. The signatory Powers have made the following double declaration, which is, moreover, in conformity with the stipulations contained in the Convention of Venice of March 19, 1897, viz: "That the Contracting Powers reserve the right to agree with one another with regard to the introduction of modifications in the text of the present Convention and that each of these Powers preserves the right to denounce the present Convention, which denunciation shall not have effect except with regard to it."

VI. The deposit of the instrument of the ratifications of the Egyptian Government is made through the medium of the Government of the Republic in compliance with a request made in a letter of the Minister of Foreign Affairs of His Highness the Khedive under date of October 25, 1906.

The Undersigned also declare that their Governments agree to grant to Spain and Portugal, whose Parliaments have not yet acted on the Convention of December 3, 1903, the privilege of depositing their ratifications later and within the shortest period possible.

The Government of the Republic shall take note of these ratifications and shall advise the other ratifying Powers of the deposit of the ratifications of the two Powers above mentioned.

Whereupon, all the ratifications having been presented and found, upon examination, to be in good and due form, they are confided to the Government of the Republic to be deposited in the Archives of the Department of Foreign Affairs of the French Republic.

In witness whereof the present Procès-Verbal has been drawn up and a certified copy thereof shall be transmitted, through the Government of the French Republic, to each of the Powers which ratified the Sanitary Convention of December 3, 1903.

Done at Paris, April 6, 1907.

[L. S.] Signé: RADOLIN.
[L. S.] Signé: R. KHEVENHÜLLER.
[L. S.] Signé: A. LEGHAIT.
[L. S.] Signé: GABRIEL DE PIZA.
[L. S.] Signé: HENRY WHITE.
[L. S.] Signé: S. PICHON.
[L. S.] Signé: FRANCIS BERTIE.
[L. S.] Signé: G. TORNIELLI.
[L. S.] Signé: VANNERUS.
[L. S.] Signé: BRUNET.
[L. S.] Signé: A. DE STUERS.
[L. S.] Signé: M. SAMAD.
[L. S.] Signé: GR. G. GHIKA.
[L. S.] Signé: NELIDOW.
[L. S.] Signé: LARDY.

Pour copie conforme:
Le Ministre Plénipotentiaire, Chef du Service du Protocole.

1904.

AGREEMENT BETWEEN THE UNITED STATES AND OTHER POWERS FOR THE REPRESSION OF THE TRADE IN WHITE WOMEN.

Signed at Paris May 18, 1904; ratification advised by the Senate March 1, 1905; adhered to by the President June 6, 1908; proclaimed June 15, 1908.

ARTICLES.

Proclamation by the President.
I. Authority for centralization of information.
II. Supervision over stations and harbors of embarkation.
III. Declarations of women and girls; return.
IV. Expense of return.
V. Special conventions.
VI. Supervision over agencies.
VII. Nonsignatory powers.
VIII. Effect; denunciation.
IX. Ratification.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a project of arrangement for the suppression of the white slave traffic was, on July 25, 1902, adopted for submission to their respective Governments by the delegates of various Powers represented at the Paris Conference for the repression of the trade in white women;

And whereas, in pursuance of Article VII of the said project of arrangement, the Government of the United States was, on August 18, 1902, invited by the Government of the French Republic to adhere thereto;

And whereas the Senate of the United States, by its Resolution of March 1, 1905 (two-thirds of the Senators present concurring therein), did advise and consent to the adhesion by the United States to the said project of arrangement;

And whereas the stipulations of the said project of arrangement were, word for word, and without change, confirmed by a formal agreement, signed at Paris on May 18, 1904, by the Governments of Germany, Belgium, Denmark, Spain, France, Great Britain, Italy, the Netherlands, Portugal, Russia, Sweden, Norway, and the Swiss Federal Council, a true copy of which agreement, in the French language, is hereto attached;

And whereas the ratifications by the said Governments of the said agreement have been duly deposited with the Government of the French Republic; and the said agreement has been adhered to by the Governments of Austria-Hungary and Brazil;

And whereas the President of the United States of America, in pursuance of the aforesaid advice and consent of the Senate, did, on the 6th day of June, 1908, declare that the United States adheres to the said agreement in confirmation of the said project of arrangement:

Now, therefore, be it known, That I, Theodore Roosevelt, President of the United States of America, have caused the said agreement to be made public, to the end that the same, and every article and clause

thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this 15th day of June, in the year of our Lord one thousand nine hundred and eight, and of the Independence of the United States of America the one hundred and thirty-second.

[SEAL.] THEODORE ROOSEVELT.

By the President:

ROBERT BACON

Acting Secretary of State.

[Translation.]

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden and Norway; and the Swiss Federal Council, being desirous to assure to women who have attained their majority and are subjected to deception or constraint, as well as minor women and girls, an efficacious protection against the criminal traffic known under the name of trade in white women ("*Traite des Blanches*,") have resolved to conclude an arrangement with a view to concert proper measures to attain this purpose and have appointed as their Plenipotentiaries, that is to say:

The President of the French Republic, his Excellency M. th. Delcasse, Deputy, Minister for Foreign Affairs of the French Republic;

His Majesty the German Emperor, King of Prussia, His Serene Highness Prince Radolin, his Ambassador Extraordinary

His Majesty the King of the Belgians, M. A. Leghait, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Denmark, Count F. Reventlow, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Spain, his Excellency M. F. de Leon y Castillo, Marquis del Muni, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, his Excellency Sir E. Monson, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of Italy, his Excellency Count Tornielli Brusati di Vergano, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

Her Majesty the Queen of the Netherlands, M. le Chevalier de Stuers, her Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Portugal and of the Algarves, M. T. de Souza-Roza, his Envoy Extrordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the Emperor of All the Russias, his Excellency M. de Nelidow, his Ambassador Extraordinary and Plenipotentiary to the President of the French Republic;

His Majesty the King of Sweden and Norway: for Sweden and for Norway M. Åkerman, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

And the Swiss Federal Council, M. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation to the President of the French Republic;

Who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE FIRST.

Each of the Contracting Governments agrees to establish or designate an authority who will be directed to centralize all information concerning the procuration of women or girls both in a view to their debauchery in a foreign country; that authority shall have the right to correspond directly with the similar service established in each of the other Contracting States.

ART. 2.

Each of the Governments agree to exercise a supervision for the purpose to find out, particularly in the stations, harbours of embarkation and on the journey, the conductors of women or girls intended for debauchery. Instructions shall be sent for that purpose to the officials or to any other qualified persons, in order to procure, within the limits of the laws, all information of a nature to discover a criminal traffic.

The arrival of persons appearing evidently to be the authors, the accomplices or the victims of such a traffic will be notified, in each case, either to the authorities of the place of destination or to the interested diplomatic or consular agents, or to any other competent authorities.

ART. 3.

The Governments agree to receive, in each case, within the limits of the laws, the declarations of women and girls of foreign nationality who surrender themselves to prostitution, with a view to establish their identity and their civil status and to ascertain who has induced them to leave their country. The information received will be communicated to the authorities of the country of origin of the said women or girls, with a view to their eventual return.

The Governments agree, within the limits of the laws and as far as possible, to confide temporarily and with a view to their eventual return, the victims of criminal traffic, when they are without any

resources, to some institutions of public or private charity or to private indviduals furnishing the necessary guaranties.

The Governments agree also, within the limits of the laws to return to their country of origin, those of those women or girls who ask their return or who may be claimed by persons having authority over them. Return will be made only after reaching an understanding as to their identity and nationality, as well to the place and date of their arrival at the frontiers. Each of the Contracting Parties will facilitate the transit on his territory.

The correspondence relative to the return will be made, as far as possible, through the direct channel.

ART. 4.

In case the woman or girl to be sent back can not pay herself the expenses of her transportation and she has neither husband, nor relations, nor guardian to pay for her the expenses occasioned by her return, they shall be borne by the country on the territory of which she resides as far as the nearest frontier or port of embarkation in the direction of the country of origin, and by the country of origin for the remainder.

ART. 5.

The provisions of the above articles 3 and 4, shall not infringe upon the provisions of special conventions which may exist between the contracting Governments.

ART. 6.

The contracting Governments agree, within the limits of the laws, to exercise, as far as possible, a supervision over the bureaux or agencies which occupy themselves with finding places for women or girls in foreign countries.

ART. 7.

The non-signatory States are admitted to adhere to the present Arrangement. For this purpose, they shall notify their intention, through the diplomatic channel, to the French Government, which shall inform all the contracting States.

ART. 8.

The present arrangement shall take effect six months after the date of the exchange of ratifications. In case one of the contracting Parties shall denounce it, that denunciation shall take effect only as regards that Party and then twelve months only from the date of the day of said denunciation.

ART. 9.

The present arrangement shall be ratified and the ratifications shall be exchanged at Paris, as soon as possible.

In faith whereof the respective Plenipotentiaries have signed the present Agreement, and thereunto affixed their seals.

DONE at Paris, the 18th May, 1904, in single copy, which shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic, and of which one copy, certified correct, shall be sent to each Contracting Party.

[L. S.] (Signed) DELCASSÉ.
[L. S.] (Signed) RANDOLIN.
[L. S.] (Signed) A. LEGHAIT.
[L. S.] (Signed) F. REVENTLOW.
[L. S.] (Signed) F. DE LEON Y CASTILLO.
[L. S.] (Signed) EDMUND MONSON.
[L. S.] (Signed) G. TORNIELLI.
[L. S.] (Signed) A. DE STUERS.
[L. S.] (Signed) T. DE SOUZA ROZA.
[L. S.] (Signed) NELIDOW.

For Sweden and Norway:

[L. S.] (Signed) ÅKERMAN.
[L. S.] (Signed) LARDY.

1904.[a]

CONVENTION BETWEEN THE UNITED STATES AND CERTAIN OTHER POWERS FOR THE EXEMPTION OF HOSPITAL SHIPS IN TIME OF WAR FROM THE PAYMENT OF ALL DUES AND TAXES IMPOSED FOR THE BENEFIT OF THE STATE.

Concluded at The Hague December 21, 1904; ratification advised by the Senate February 21, 1905; ratified by the President October 16, 1906; ratifications deposited at The Hague March 26, 1907; proclaimed May 21, 1907.

(The original convention in the French language only. The following translation from the President's proclamation.)

ARTICLES.

I. Exemption of hospital ships.
II. Visitation.
III. On what powers binding.
IV. Signatures.
V. Non-signatory powers.
VI. Denunciation.
Final act.

[Translation.]

CONVENTION REGARDING HOSPITAL SHIPS.

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His

[a] Adhered to by Guatemala, Norway, and Sweden. Since the proclamation of this Convention by the President on May 21, 1907, the Convention has been ratified by Spain, Italy, and Persia.

Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; the President of the Peruvian Republic; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam, and the Swiss Federal Council,

Taking into consideration that the Convention concluded at The Hague on July 29, 1899 for the adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864, has sanctioned the principle of the intervention of the Red Cross in naval wars by provisions in favor of hospital ships;

Desirous of concluding a convention to the end of facilitating by additional provisions the mission of such ships;

Have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: M. de Schlözer, His envoy extraordinary and minister plenipotentiary to The Hague;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary: M. Alexander Okolicsanyi d'Okolicsna, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of the Belgians: M. Baron Guillaume, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of China: Hoo Wei-Teh. His envoy extraordinary and minister plenipotentiary at St. Petersburg;

His Majesty the Emperor of Corea: Young Chan Min, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Denmark: M. W. de Grevenkop Castenskiold, chargé d'affaires of the Kingdom at The Hague;

His Majesty the King of Spain: M. Arthur de Baguer, His envoy extraordinary and minister plenipotentiary at The Hague;

The President of the United States of America: Mr. John W. Garrett, charge d'affaires ad interim of the Republic at The Hague;

The President of the United Mexican States: M. Zenil, envoy extraordinary and minister plenipotentiary of the Republic at Vienna;

The President of the French Republic: M. de Monbel, envoy extraordinary and minister plenipotentiary of the Republic at The Hague;

His Majesty the King of the Hellenes: M. D. G. Metaxas, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Italy: M. Tugini, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of Japan: M. Nobukata Mitsuhashi, His envoy extraordinary and minister plenipotentiary at The Hague;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: M. Count H. de Villers, chargé d'affaires of the Grand Duchy at Berlin;

His Highness the Prince of Montenegro: M. N. Tcharikow, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of All the Russias at The Hague;

Her Majesty the Queen of the Netherlands: M. Baron Melvil de Lynden, Her minister of foreign affairs, and M. T. M. C. Asser, Her minister of state, member of Her council of state;

The President of the Peruvian Republic: M. C. G. Candamo, envoy extraordinary and minister plenipotentiary of the Republic at Paris and at London;

His Imperial Majesty the Shah of Persia: Mirza Samad Khan, momtazos saltaneh, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Portugal and of the Algarves, etc.: M. Count de Selir, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Roumania: M. Jean N. Papiniu, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of All the Russias: M. Martens, His privy councilor, permanent member of the council of the imperial ministry of foreign affairs;

His Majesty the King of Servia: M. M. Vesnitch, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Siam: Phya Raja Nupraphandh, His envoy extraordinary and minister plenipotentiary at The Hague;

The Swiss Federal Council: M. G. Carlin, envoy extraordinary and minister plenipotentiary of the Confederation at The Hague; Who, after communication of their full powers, found to be in good and due form, have agreed on the following provisions:

ARTICLE FIRST.

Hospital ships, concerning which the conditions set forth in Articles 1, 2 & 3 of the Convention concluded at The Hague on July 29, 1899, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of August 22, 1864, are fulfilled shall be exempted, in time of war, from all dues and taxes imposed on vessels for the benefit of the State, in the ports of the Contracting Parties.

ARTICLE 2.

The provision of the foregoing article does not prevent the application, by means of visitation or other formalities of fiscal or other laws in force at said ports.

ARTICLE 3.

The rule laid down in article first is binding only on the Contracting powers in case of war between two or more of them.

The said rule shall cease to be binding from the time when a non Contracting Power shall join one of the belligerents, in a war between Contracting Powers.

ARTICLE 4.

The present Convention which bearing the date of this day, may be signed until the first of October 1905 by the Powers expressing their desire to do so, shall be ratified as soon as possible. The ratifications shall be deposited at The Hague.

A proces verbal of the deposit of the ratifications shall be drawn up and a copy thereof, duly certified, shall be delivered through the diplomatic channel to all the Contracting Powers.

ARTICLE 5.

The non signatory Powers are permitted to adhere to the present Convention after October first 1905.

They shall, to that end, make their adhesion known to the Contracting Powers by means of a written notification addressed to the Government of the Netherlands and communicated by the latter to the other Contracting powers.

ARTICLE 6.

In the event of one of the High Contracting Powers denouncing the present Convention, such denunciation shall not take effect until one year after the notification made in writing to the Government of the Netherlands and immediately communicated by the latter to all the other Contracting Powers. This denunciation shall only affect the notifying Power.

In testimony whereof the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the twenty-first of December one thousand nine hundred and four, in a single copy which shall remain filed in the archives of the Government of the Netherlands and copies of which, duly certified shall be delivered through the diplomatic channel to the Contracting Powers.

(L. S.) VON SCHLÖZER.
(Under reservation of the declaration made at the meeting of the Conference held December 21, 1904.)
(L. S.) OKOLICSANYI D'OKOLICSNA.
(L. S.) GUILLAUME.
(L. S.) HOO WEI-TEH.
(L. S.) YOUNG CHAN MIN.
(L. S.) W. GREVENKOP CASTENSKIOLD.
(L. S.) A. DE BAGUER.
(L. S.) JOHN W. GARRETT.
(L. S.) J. ZENIL.
(L. S.) MONBEL.
(L. S.) D. G. METAXAS.
(L. S.) TUGINI
(L. S.) NOBUKATA MITSUHASHI.
(L. S.) C^te^. DE VILLERS.
(L. S.) N. TCHARYKOW.
(L. S.) B^n^. MELVIL DE LYNDEN.
(L. S.) T. M. C. ASSER.
(L. S.) C. G. CANDAMO.
(L. S.) M. SAMAD.
(L. S.) CONDE DE SELIR.
(L. S.) J. N. PAPINIU.
(L. S.) (Under reservation of reciprocity and of pilotage dues.)
(L. S.) MARTENS.
(L. S.) MIL. R. VESNITCH.
(L. S.) RAJA NUPRAPHANDH.
(L. S.) CARLIN.

Certified to as a true copy:

HANNEMA,
Secretary General of the Ministry of Foreign Affairs of the Netherlands.

[Translation.]

FINAL ACT.

At the moment of proceeding to sign the Convention having for its object the exemption of hospital ships in time of war in the ports of the Contracting Parties from all dues and taxes imposed on vessels for the benefit of the State, the Plenipotentiaries signing the present Act express the wish that, in view of the highly humanitarian mission of these ships, the Contracting Governments may take the measures necessary in order to exempt these ships within a short time also from the payment of the dues and taxes collected in their ports for the benefit of others than the State, especially those collected for the benefit of municipalities or of private companies or persons.

In witness whereof the Plenipotentiaries have signed the present procès-verbal, which, bearing the date of this day, may be signed up to the first of October, 1905.

Done at The Hague, the twenty-first of December, nineteen hundred and four, in a single copy, which shall remain on file in the archives of the Government of the Netherlands, and of which certified copies shall be delivered through the diplomatic channel to the Powers signing the aforementioned Convention.

The plenipotentiary of H. M. the Emperor of Germany, King of Prussia
v. SCHLÖZER.

The plenipotentiary of His Imperial and Royal Apostolic Majesty
OKOLICSANYI D'OKOLICSNA.

The plenipotentiary of H. M. the King of the Belgians
GUILLAUME.

The plenipotentiary of H. M. the Emperor of China
HOO WEI-TEH.

The plenipotentiary of H. M. the Emperor of Korea
Y. C. MIN.

The plenipotentiary of H. M. the King of Denmark
W. GREVENKOP CASTENSKIOLD.

The plenipotentiary of H. M. the King of Spain
A. DE BAGUER.

The plenipotentiary of the United States of America
JOHN W. GARRETT.

The plenipotentiary of the United Mexican States
J. ZENIL.

The plenipotentiary of the French Republic
MONBEL.

The plenipotentiary of H. M. the King of the Hellenes
D. G. METAXAS.

The plenipotentiary of H. M. the King of Italy
TUGINI.

The plenipotentiary of His Majesty the Emperor of Japan
NOBUKATA MITSUHASHI.

The plenipotentiary of H. R. H. the Grand Duke of Luxemburg, Duke of Nassau
C^te^. DE VILLERS.

The plenipotentiary of H. H. the Prince of Montenegro
N. TCHARYKOW.
The plenipotentiary of Her Majesty the Queen of the Netherlands
T. M. C. ASSER.
The plenipotentiary of the Peruvian Republic
C. G. CANDAMO.
The plenipotentiary of H. I. M. the Shah of Persia
M. SAMAD.
The plenipotentiary of H. M. the King of Portugal and of the Algarves, etc
CONDE DE SELIR.
The plenipotentiary of H. M. the King of Roumania
J. N. PAPINIU.
The plenipotentiary of H. M. the Emperor of All the Russias
MARTENS.
The plenipotentiary of H. M. the King of Servia
VESNITCH.
The plenipotentiary of H. M. the King of Siam
RAJA NUPRAPHANDH.
The plenipotentiary of the Swiss Confederation
CARLIN.

Certified to as a true copy. HANNEMA,
Secretary General of the Ministry of Foreign Affairs of the Netherlands.

1905.[a]

CONVENTION BETWEEN THE UNITED STATES AND OTHER POWERS FOR THE CREATION OF AN INTERNATIONAL INSTITUTE OF AGRICULTURE.

Signed June 7, 1905; ratification advised by the Senate June 27, 1906; ratified by the President July 7, 1906; ratification deposited with the Government of Italy August 31, 1906; proclaimed January 29, 1908.

(The original convention is in the French language. The following translation is taken from the President's proclamation.)

ARTICLES.

I. Creation of institute.
II. Composition.
III. Representation.
IV. Officers; meetings.
V. Control of general assembly.
VI. Executive power.
VII. Permanent committee.
VIII. Officers of permanent committee.
IX. Duties of institute.
X. Nations to be classed in five groups.
XI. Ratification.

[Translation.]

In a series of meetings held at Rome, from May 29 to June 6, 1905, the delegates of the Powers convened at the Conference for

[a] Since the proclamation of the convention by the President, January 29, 1908, all signatory governments have ratified except Chile, Guatemala, Paraguay, Servia, and Turkey. Convention adhered to by Republic of San Marino, and Eritrea and Italian Somaliland.

the creation of an International Institute of Agriculture, having agreed upon the text of a Convention to be dated June 7, 1905, and this text having been submitted for approval to the Governments which took part in the said conference, the undersigned, having been furnished with full powers found in good and due form, have agreed, in the names of their respective Governments, on what follows:

ARTICLE 1.

There is hereby created a permanent international institute of agriculture, having its seat in Rome.

ARTICLE 2.

The international institute of agriculture is to be a government institution, in which each adhering power shall be represented by delegates of its choice.

The institute shall be composed of a general assembly and a permanent committee, the composition and duties of which are defined in the ensuing articles.

ARTICLE 3.

The general assembly of the institute shall be composed of the representatives of the adhering governments. Each nation, whatever be the number of its delegates, shall be entitled to a number of votes in the assembly which shall be determined according to the group to which it belongs, and to which reference will be made in article 10.

ARTICLE 4.

The general assembly shall elect for each session from among its members a president and two vice-presidents.

The sessions shall take place on dates fixed by the last general assembly and according to a programme proposed by the permanent committee and adopted by the adhering governments.

ARTICLE 5.

The general assembly shall exercise supreme control over the international institute of agriculture.

It shall approve the projects prepared by the permanent committee regarding the organization and internal workings of the institute. It shall fix the total amount of expenditures and audit and approve the accounts.

It shall submit to the approval of the adhering governments modifications of any nature involving an increase in expenditure or an enlargement of the functions of the institute. It shall set the date for holding the sessions. It shall prepare its regulations.

The presence at the general assemblies of delegates representing two-thirds of the adhering nations shall be required in order to render the deliberations valid.

ARTICLE 6.

The executive power of the institute is intrusted to the permanent committee, which, under the direction and control of the general assembly, shall carry out the decisions of the latter and prepare propositions to submit to it.

ARTICLE 7.

The permanent committee shall be composed of members designated by the respective governments. Each adhering nation shall be represented in the permanent committee by one member. However, the representation of one nation may be intrusted to a delegate of another adhering nation, provided that the actual number of members shall not be less than fifteen.

The conditions of voting in the permanent committee shall be the same as those indicated in article 3 for the general assemblies.

ARTICLE 8.

The permanent committee shall elect from among its members for a period of three years a president and a vice-president, who may be reelected. It shall prepare its internal regulations, vote the budget of the institute within the limits of the funds placed at its disposal by the general assembly, and appoint and remove the officials and employees of its office.

The general secretary of the permanent committee shall act as secretary of the assembly.

ARTICLE 9.

The institute, confining its operations within an international sphere, shall—

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

(b) Communicate to parties interested, also as promptly as possible, all the information just referred to;

(c) Indicate the wages paid for farm work;

(d) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them;

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries in the organization of works connected with agricultural cooperation, insurance, and credit;

(f) Submit to the approval of the governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agricultural societies, academies, learned bodies, etc.

All questions concerning the economic interests, the legislation, and the administration of a particular nation shall be excluded from the consideration of the institute.

ARTICLE 10.

The nations adhering to the institute shall be classed in five groups, according to the place which each of them thinks it ought to occupy.

The number of votes which each nation shall have and the number of units of assessment shall be established according to the following gradations:

Groups of nations.	Numbers of votes.	Units of assessment.
I	5	16
II	4	8
III	3	4
IV	2	2
V	1	1

In any event the contribution due per unit of assessment shall never exceed a maximum of 2,500 francs.

As a temporary provision the assessment for the first two years shall not exceed 1,500 francs per unit.

Colonies may, at the request of the nations to which they belong, be admitted to form part of the institute on the same conditions as the independent nations.

ARTICLE 11.

The present Convention shall be ratified and the ratifications exchanged as soon as possible by depositing them with the Italian Government.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have hereunto affixed their seals.

Done at Rome the 7th of June one thousand nine hundred and five, in a single original, deposited with the Ministry of Foreign Affairs of Italy, of which certified copies shall be sent through the diplomatic channel to the contracting States.

For Italy:	TITTONI.
For Montenegro:	GENERAL MITAR MARTINOVICH.
For Russia:	KROUPENSKY.
For Argentine Republic:	BALD.° M. FONSECA.
For Roumania:	NICOLAS FLÉVA.
For Servia:	M. MILOVANOVITCH.
For Belgium:	L. VERHAEGHE DE NAEYER.
For Salvador:	J. GUSTAVO GUERRERO.
For Portugal:	M. DE CARVALHO E VASCONCELLOS.
For United States of Mexico:	G. A. ESTEVA.
For Luxemburg:	L. VERHAEGHE DE NAEYER.
For Switzerland:	J. B. PIODA.
For Persia:	N. MALCOLM.
For Japan:	T. OHYAMA.

For Ecuador:	J. T. Mera.
For Bulgaria:	D. Mintchovitch.
For Denmark:	Cte Moltke.
For Spain:	Duc de Arcos.
For France:	Camille Barrère.
For Sweden:	Bildt.
For The Netherlands:	Jonkheer van der Goes.
For Greece:	Christ. Mizzopoulos.
For Uruguay:	Jean Cuestas.
For Germany:	A. Monts.
For Cuba:	Carlos de Pedroso.
For Austria-Hungary:	H. Lützow.
For Norway:	Carl Lövenskiold.
For Egypt:	Aziz Izzet.
For Great Britain:	Edwin H. Egerton.
For Guatemala:	Thomas Segarini.
For Ethiopia:	Giuseppe Cuboni.
For Nicaragua:	Jean Giordano duc de Oratino.
For United States of America:	Henry White.
For Brazil:	Barros Moreira.
For Costa Rica:	Rafael Montealegre.
For Chile:	Victor Grez.
For Peru:	Andrés A. Caceres.
For China:	Houang Kao.
For Paraguay:	F. S. Benucci.
For Turkey:	M. Réchid.

1905.[a]

International Sanitary Convention.

Concluded October 14, 1905; ratification advised by the Senate February 22, 1906; ratified by the President May 29, 1906; proclaimed March 1, 1909.

Articles.

Chapter I.—Regulations to be Observed by the Powers Signatory to the Convention as Soon as Plague, Cholera, or Yellow Fever Appears, in their Territory.

Section 1.—*Notification and subsequent communication to other countries.*

I. Notification.
II. What to contain.
III. To whom addressed.
IV. Further communications.
V. Prompt execution.
VI. Special arrangements.

Section II.—*Conditions showing a given territory to be infected or to have been freed from infection.*

VII. First case of plague, etc.
VIII. To whom measures applied.
IX. Proof.

[a] Since the proclamation of March 1, 1909, this convention has been ratified by Chile.

CHAPTER II.—MEASURES OF DEFENSE BY OTHER COUNTRIES AGAINST TERRITORIES DECLARED TO BE INFECTED.

SECTION I.—*Publication of prescribed measures.*

X. Publication of measures.

SECTION II.—*Merchandise, disinfection, importation, and transit; baggage.*

XI. Merchandise incapable of transmission.
XII. Merchandise not subject to disinfection.
XIII. Merchandise in transit.
XIV. Entry of merchandise.
XV. Method and place of disinfection.
XVI. Letters, printed matter, etc.
XVII. Detention of merchandise.
XVIII. Certificate.
XIX. Baggage.

SECTION III.—*Measures in ports and at maritime frontiers.*

XX. Classification of ships.
XXI. Regulations.
XXII. Ships suspected of plague.
XXIII. Ships indemne from plague.
XXIV. Ships with plague-stricken rats.
XXV. Certificate.
XXVI. Ships infested with cholera.
XXVII. Ships suspected of cholera.
XXVIII. Ships indemne of cholera.
XXIX. Physician on board.
XXX. Special measures.
XXXI. Ships not submitting to obligations.
XXXII. Ships from contaminated ports.
XXXIII. Passengers.
XXXIV. Packet boats.
XXXV. Ports.
XXXVI. Large seaports.

SECTION IV.—*Measures upon land frontiers; travelers; railroads; frontier zones; river routes.*

XXXVII. Land quarantines.
XXXVIII. Travelers on railroads.
XXXIX. Medical intervention.
XL. Travelers subject to surveillance.
XLI. Particular measures.
XLII. Retention of coaches.
XLIII. Passing of frontiers.
XLIV. Special arrangement.
XLV. River routes.

ARTICLES RELATING TO YELLOW FEVER.

XLVI. Regulations.
XLVII. Ships suspected.
XLVIII. Ships indemne.
XLIX. Permission to land.

TRANSITORY DISPOSITION.

Nonsignatory powers.

CONVENTION.

The presidents of the Republics of Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Peru, United States of America, and Venezuela:

Having found that it is useful and convenient to codify all the measures destined to guard the public health against the invasion and propagation of yellow fever, plague and cholera, have designated as their Delegates, to wit:

Republic of Chile, Sr. Dr. D. Eduardo Moore, Professor of the Medical Faculty, Hospital Physician;

Republic of Costa Rica, Sr. Dr. D. Juan J. Ulloa, Ex-Vice-President, Ex-Minister of the Interior of Costa Rica, Ex-President of the Medical Faculty of Costa Rica;

Republic of Cuba, Sr. Dr. D. Juan Guiteras, Member of the Superior Board of Health of Cuba, Director of the "Las Animas" Hos-

pital, Professor of General Pathology and Tropical Medicine of the University of Havana, and Sr. Dr. D. Enrique B. Barnet, Executive Chief of the Health Department of Havana, Member and Secretary of the Superior Board of Health of Cuba;

Republic of Ecuador, Sr. Dr. D. Serafin S. Wither, Chargé d'Affaires and Consul-General of Ecuador in New York, and Sr. Dr. D. Miguel H. Alcívar, Member of the Superior Board of Health of Guayaquil, Professor of the Medical Faculty and Surgeon of the General Hospital of Guayaquil;

Republic of the United States of America, Dr. Walter Wyman, Surgeon General of the Public Health and Marine Hospital Service of the United States; Dr. H. D. Geddings, Assistant Surgeon General of the Public Health and Marine Hospital Service of the United States, and Representative of the United States at the Sanitary Convention of Paris; Dr. J. F. Kennedy, Secretary of the Board of Health of the State of Iowa; Dr. John S. Fulton, Secretary of the Board of Health of the State of Maryland; Dr. Walter D. McCaw, Major, Surgeon in the United States Army; Dr. J. D. Gatewood, Surgeon in the United States Navy; Dr. H. L. E. Johnson, Member of the American Medical Association (Member of the Board of Trustees);

Republic of Guatemala, Sr. Dr. D. Joaquín Yela, Consul-General of Guatemala in New York;

Republic of Mexico, Sr. Dr. D. Eduardo Licéaga, President of the Superior Council of Health of Mexico, Director and Professor of the National School of Medicine, Member of the Academy of Medicine;

Republic of Nicaragua, Sr. Dr. D. J. L. Medina, Member of the Second Pan-American Medical Congress of the City of Havana in 1901;

Republic of Peru, Sr. Dr. D. Daniel Eduardo Lavorería, Professor of the Medical Faculty, Member of the National Academy of Medicine, Physician of the "Dos de Mayo" Hospital, Chief of the Division of Hygiene of the Ministry of Fomento;

Dominican Republic, Sr. D. Emilio C. Joubert, Minister Resident in Washington; and

Republic of Venezuela, Sr. D. Nicolás Veloz-Goiticoa, Chargé d'Affaires of Venezuela,

Who, having made an interchange of their powers, and found them good, have agreed to adopt, *ad referendum*, the following propositions:

CHAPTER I. *Regulations to be observed by the powers signatory to the convention as soon as plague, cholera or yellow fever may appear in their territory.*

SECTION I. *Notification and subsequent communications to other countries.*

ARTICLE I. Each government should immediately notify other governments of the first appearance in its territory of authentic cases of plague, cholera or yellow fever.

ARTICLE II. This notification is to be accompanied, or very promptly followed, by the following additional information:

(1) The neighborhood where the disease has appeared.

(2) The date of its appearance, its origin, and its form.

(3) The number of established cases, and the number of deaths.

(4) For plague: The existence among rats or mice of plague, or of an unusual mortality; for yellow fever: The existence of *stegomyia fasciata* in the locality.

(5) The measures taken immediately after the first appearance.

ARTICLE III. The notification and the information prescribed in Articles I and II are to be addressed to diplomatic and consular agents in the capital of the infected country; but this is to be construed as not preventing direct communication between officials charged with the public health of the several countries.

For countries which are not thus represented, they are to be transmitted directly by telegraph to the governments of such countries.

ARTICLE IV. The notification and the information prescribed in Articles I and II are to be followed by further communications dispatched in a regular manner in order to keep the governments informed of the progress of the epidemic.

These communications, which are to be made at least once a week, and which are to be as complete as possible, should indicate in detail the precautions taken to prevent the extension of the disease.

They should set forth: First, the prophylactic measures taken relative to sanitary or medical inspection, to isolation and disinfection; Second, the measures taken relative to departing vessels to prevent the exportation of the disease, and, especially under the circumstances mentioned in paragraph 4 of Article II of this section, the measures taken against rats and mosquitoes.

ARTICLE V. The prompt and faithful execution of the preceding provisions is of the very first importance.

The notifications only have a real value if each government is warned in time of cases of plague, cholera or yellow fever and of suspicious cases of those diseases supervening in its territory. It cannot then be too strongly recommended to the various governments to make obligatory the declaration of cases of plague, cholera or yellow fever, and of giving information of all unusual mortality of rats and mice especially in ports.

ARTICLE VI. It is understood that neighboring countries reserve to themselves the right to make special arrangements with a view of organizing a service of direct information between the chiefs of administration upon the frontiers.

SECTION II. *Conditions showing a given territorial area to be infected, or to have been freed from infection.*

ARTICLE VII. Information of a first case of plague, cholera or yellow fever does not justify against a territorial area where it may appear, the application of the measures prescribed in Chapter II as hereinafter indicated.

Upon the occurrence of several non-imported cases of plague, or a non-imported case of yellow fever or when cases of cholera form a focus, the area is to be declared infected.

ARTICLE VIII. To limit the measures to the affected regions alone, governments should only apply them to persons and articles proceeding from the contaminated or infected areas.

By the word "area" is understood a well determined portion of territory described in the information which accompanies or follows

notification, thus, a province, a state, "a government," a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a "polder," a hamlet, etc., whatever may be the extent and population of these portions of territory.

But this restriction, limited to the infected area, should only be accepted upon the formal condition that the government of the infected country shall take the necessary measures; 1, to prevent, unless previously disinfected, the exportation of articles named in 1 and 2 of Article XII, coming from the contaminated area; and 2, measures to prevent the extension of the epidemic; and provided further that there be no doubt that the sanitary authorities of the infected country have faithfully complied with Article I of this Convention.

When an area is infected, no restrictive measure is to be taken against departures from this area if these departures have occurred five days, at least, before the beginning of the epidemic.

ARTICLE IX. That an area should no longer be considered as infected, official proof must be furnished:

First, That there has been neither a death nor a new case of plague or cholera for five days after isolation,[a] death, or cure of the last plague or cholera case. In the case of yellow fever the period shall be eighteen days, but each government may reserve the right to extend this period.

Second, That all the measures of disinfection have been applied; in the case of plague, that the precautions against rats have been observed, and in the case of yellow fever that the measures against mosquitoes have been executed.

CHAPTER II. *Measures of defense by other countries against territories declared to be infected.*

SECTION I. *Publication of prescribed measures.*

ARTICLE X. The government of each country is obliged to immediately publish the measures which it believes necessary to take against departures either from a country or from an infected territorial area.

The said government is to communicate at once this publication to the diplomatic or consular agent of the infected country residing in its capital as well as to the International Sanitary Bureau.

The government shall be equally obliged to make known through the same channels the revocation of these measures or modifications which may be made in them.

In default of a diplomatic or consular agency in the capital, communications are made directly to the government of the country interested.

SECTION II. *Merchandise—Disinfection—Importation and Transit—Baggage.*

ARTICLE XI. There exists no merchandise which is of itself capable of transmitting plague, cholera or yellow fever. It only becomes

[a] The word "isolation" signifies isolation of the patient, of the persons who care for him and the forbidding of visits of all other persons, the physician excepted. By isolation in the case of yellow fever is understood the isolation of the patient in an apartment so screened as to prevent the access of mosquitoes.

dangerous in case it is soiled by pestous or choleraic products, or, in the case of yellow fever, when such merchandise may harbor mosquitoes.

ARTICLE XII. No merchandise or objects shall be subjected to disinfection on account of yellow fever, but in cases covered by the previous article the vehicle of transportation may be subjected to fumigation to destroy mosquitoes. In the case of cholera and plague disinfection should only be applied to merchandise and objects which the local sanitary authority considers as infected.

Nevertheless, merchandise, or objects enumerated hereafter, may be subjected to disinfection, or prohibited entry, independently of all proof that they may or may not be infected:

1. Body linen, wearing apparel in use, clothing which has been worn, bedding already used.

When these objects are transported as baggage, or in the course of a change of residence (household furniture), they should not be prohibited, and are to be subjected to the regulations prescribed by Article XIX.

Baggage left by soldiers and sailors, and returned to their country after death, are considered as objects comprised in the first paragraph of No. 1 of this article.

2. Rags, and rags for making paper, with the exception, as to cholera, of rags which are transported as merchandise in large quantities compressed in bales held together by hoops.

New clippings coming directly from spinning mills, weaving mills, manufactories or bleacheries, shoddy, and clippings of new paper, should not be forbidden.

ARTICLE XIII. In the case of cholera and plague there is no reason to forbid the transit through an infected district of merchandise, and the objects specified in Nos. 1 and 2 of the preceding article if they are so packed that they cannot have been exposed to infection in transit.

In like manner, when merchandise or objects are so transported that, in transit, they cannot come in contact with soiled objects, their transit across an infected territorial area should not be an obstacle to their entry into the country of destination.

ARTICLE XIV. The entry of merchandise and objects specified in Nos. 1 and 2 of Article XII should not be prohibited, if it can be shown to the authorities of the country of destination that they were shipped at least five days before the beginning of the epidemic.

ARTICLE XV. The method and place of disinfection, as well as the measures to be employed for the destruction of rats, and mosquitoes, are to be fixed by authority of the country of destination, upon arrival at said destination. These operations should be performed in such a manner as to cause the least possible injury to the merchandise.

It devolves upon each country to determine questions relative to the payment of damages resulting from disinfection, or from the destruction of rats or mosquitoes.

If taxes are levied by a sanitary authority, either directly or through the agency of any company or agent, to insure measures for the destruction of rats and mosquitoes on board ships, the amount of these taxes ought to be fixed by a tariff published in advance,

and the result of these measures should not be a source of profit for either state or sanitary authorities.

ARTICLE XVI. Letters and correspondence, printed matter, books, newspapers, business papers, etc. (postal parcels not included), are not to be submitted to any restriction or disinfection. In case of yellow fever postal parcels are not to be subjected to any restrictions or disinfection.

ARTICLE XVII. Merchandise, arriving by land or by sea, should not be detained permanently at frontiers or in ports.

Measures which it is permissible to prescribe with respect to them are specified in Article XII.

Nevertheless, when merchandise, arriving by sea in bulk (vrac) or in defective packages, is contaminated by pest-stricken rats during the passage, and is incapable of being disinfected, the destruction of the germs may be assured by putting said merchandise in a warehouse for a period to be decided by the sanitary authorities of the port of arrival.

It is to be understood that the application of this last measure should not entail delay upon any vessel nor extraordinary expenses resulting from the want of warehouses in ports.

ARTICLE XVIII. When merchandise has been disinfected by the application of the measures prescribed in Article XII, or put temporarily in warehouses in accordance with the third paragraph of Article XVII, the owner, or his representative, has the right to demand from the sanitary authority which has ordered such disinfection, or storage, a certificate setting forth the measures taken.

ARTICLE XIX. Baggage. In the case of soiled linen, bed clothing, clothing and objects forming a part of baggage or furniture coming from a territorial area declared contaminated, disinfection is only to be practiced in cases where the sanitary authority considers them as contaminated. There shall be no disinfection of baggage on account of yellow fever.

SECTION III. *Measures in ports and at maritime frontiers.*

ARTICLE XX. Classification of ships. A ship is considered as infected which has plague, cholera or yellow fever on board, or which has presented one or more cases of plague or cholera within seven days, or a case of yellow fever at any time during the voyage.

A ship is considered as suspected on board of which there have been a case or cases of plague or cholera at the time of departure or during the voyage, but no new case within seven days; also such ships as have lain in such proximity to the infected shore as to render them liable to the access of mosquitoes.

The ship is considered *indemne* which, although coming from an infected port, has had neither death nor case of plague, cholera or yellow fever on board, either before departure, during the voyage, or at the time of arrival, and which in the case of yellow fever has not lain in such proximity to the shore, as to render it liable, in the opinion of the sanitary authorities, to the access of mosquitoes.

ARTICLE XXI. Ships infected with plague are to be subjected to the following regulations:

1. Medical visit (Inspection).
2. The sick are to be immediately disembarked and isolated.

3. Other persons should also be disembarked, if possible, and subjected to an observation,[a] which should not exceed five days dating from the day of arrival.

4. Soiled linen, personal effects in use, the belongings of crew[b] and passengers which, in the opinion of the sanitary authorities are considered as infected should be disinfected.

5. The parts of the ship which have been inhabited by those stricken with plague, and such others as, in the opinion of the sanitary authorities are considered as infected, should be disinfected.

6. The destruction of rats on shipboard should be effected before or after the discharge of cargo, as rapidly as possible, and in all cases with a maximum delay of forty-eight hours, care being taken to avoid damage of merchandise, the vessel and its machinery.

For ships in ballast, this operation should be performed immediately before taking on cargo.

ARTICLE XXII. Ships suspected of plague, are to be subjected to the measures which are indicated in Nos. 1, 4 and 5 of Article XXI.

Further, the crew and passengers may be subjected to observation, which should not exceed five days, dating from the arrival of the ship. During the same time, the disembarkment of the crew may be forbidden, except for reasons of duty.

The destruction of rats on shipboard is recommended. This destruction is to be effected before or after the discharge of cargo, as quickly as possible, and in all cases with a maximum delay of forty-eight hours, taking care to avoid damage to merchandise, ships, and their machinery.

For ships in ballast, this operation should be done, if done at all, as early as possible, and in all cases before taking on cargo.

ARTICLE XXIII. Ships *indemne* from plague are to be admitted to free pratique immediately, whatever may be the nature of their bill of health.

The only regulation which the sanitary authorities at a port of arrival may prescribe for them consists of the following measures:

1. Medical visit (inspection).

2. Disinfection of soiled linen, articles of wearing apparel, and the other personal effects of the crew and passengers, but only in exceptional cases when the sanitary authorities have special reason to believe them infected.

3. Without demanding it as a general rule, the sanitary authorities may subject ships coming from an infected port to a process for the destruction of the rats on board before or after the discharge of cargo. This operation should be done as soon as possible, and in all cases should not last more than twenty-four hours, care being taken to avoid damaging merchandise, ships, and their machinery, and without interfering with the passing of passengers and crew between the ship and the shore. For ships in ballast, this procedure, if practiced, should be put in operation as soon as possible, and in all cases before taking on cargo.

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[a] The word "observation" signifies isolation of the passengers, either on board ship or at a sanitary station before being given free pratique.

[b] The term "crew" is applied to persons who may make, or, who have made, a part of the personnel of the vessel and of the administration thereof, including stewards, waiters, "cafedji," etc. The word is to be construed in this sense wherever employed in the present Convention.

When a ship coming from an infected port has been subjected to a process for the destruction of rats, this process should only be repeated if the ship has touched meanwhile at an infected port, and has been alongside a quay in such port, or if the presence of sick or dead rats on board is proven.

The crew and passengers may be subjected to a surveillance, which should not exceed five days, to be computed from the date when the ship sailed from the infected port. The landing of the crew may also, during the same time, be forbidden except for reasons of duty.

Competent authority at the port of arrival may always demand, under oath, a certificate of the ship's physician, or in default of a physician, of the captain, setting forth that there has not been a case of plague on board since departure, and that no marked mortality among the rats has been observed.

ARTICLE XXIV. When upon an *indemne* ship rats have been recognized as pest-stricken as a result of bacteriological examination, or when a marked mortality has been established among these rodents, the following measures should be applied:

1. Ships with plague-stricken rats:

(*a*) Medical visit (Inspection).

(*b*) Rats should be destroyed before or after the discharge of cargo, as rapidly as possible, and in all cases with a delay not to exceed forty-eight hours; the deterioration of merchandise, vessels and machinery to be avoided. Upon ships in ballast, this operation should be performed as soon as possible, and in all cases before taking on cargo.

(*c*) Such parts of the ship and such articles as the local sanitary authority regards as infected, shall be disinfected.

(*d*) Passengers and crew may be submitted to observation the duration of which should not exceed five days dating from the day of arrival, except in special cases where the sanitary authority may prolong the observation to a maximum of ten days.

2. Ships where a marked mortality among rats is observed:

(*a*) Medical visit (Inspection).

(*b*) An examination of rats, with a view to determining the existence of plague, should be made as quickly as possible.

(*c*) If the destruction of rats is judged necessary, it shall be accomplished under the conditions indicated above in the case of ships with plague-stricken rats.

(*d*) Until all suspicion may be eliminated, the passengers and crew may be submitted to observation the duration of which should not exceed five days counting from the date of arrival, except in special cases when the sanitary authority may prolong the observation to a maximum of ten days.

ARTICLE XXV. The sanitary authorities of the port must deliver to the captain, the owner, or his agent, whenever a demand for it is made, a certificate setting forth that the measures for the destruction of rats have been efficacious and indicating the reasons why these measures have been applied.

ARTICLE XXVI. Ships infected with cholera are to be subjected to the following regulations:

1. Medical visit (Inspection).

2. The sick are to be immediately disembarked and isolated.

3. Other persons ought also to be disembarked, if possible, and subjected, dating from the arrival of the ship, to an observation, the duration of which shall not exceed five days.

4. Soiled linen, wearing apparel, and personal effects of crew and passengers which, in the opinion of the sanitary authority of the port, are considered as infected, are to be disinfected.

5. The parts of the ship which have been inhabited by persons sick with cholera, or which are considered by the sanitary authority as infected are to be disinfected.

6. The bilge-water is to be discharged after disinfection.

The sanitary authority may order the substitution of good potable water for that which is contained in the tanks on board.

The discharge or throwing overboard into the water of a port, of dejecta, shall be forbidden unless they have been previously disinfected.

ARTICLE XXVII. Ships suspected of cholera are to be subjected to measures prescribed under Nos. 1, 4, 5 and 6 of Article XXVI.

The crew and passengers may be subjected to an observation which should not exceed five days, to date from the arrival of the ship. It is recommended during the same time to prevent the debarkation of the crew except for reasons of duty.

ARTICLE XXVIII. Ships *indemne* of cholera are to be admitted to free pratique immediately, whatever may be the nature of their bill of health.

The only regulations which the sanitary authorities of a port may prescribe in their case are the measures provided in Nos. 1, 4 and 6 of Article XXVI.

The crews and passengers may be submitted, in order to show their state of health, to an observation, which should not exceed five days to be computed from the date when the ship sailed from the infected port.

It is recommended that during the same time the debarkation of the crew be forbidden except for reasons of duty.

Competent authority at the port of arrival may always demand, under oath, a certificate from the ship's surgeon, or, in the absence of a surgeon, from the captain, setting forth that there has not been a case of cholera upon the ship since sailing.

ARTICLE XXIX. Competent authority will take account, in order to apply the measures indicated in Articles XXI to XXVIII, of the presence of a physician on board and a disinfecting apparatus in ships of the three categories mentioned above.

In regard to plague, it will equally take account of the installation on board of apparatus for the destruction of rats.

Sanitary authorities of such countries, where it may be convenient to make such regulations may dispense with the medical visit and other measures toward *indemne* ships which have on board a physician specially commissioned by their country.

ARTICLE XXX. Special measures may be prescribed in regard to crowded ships, notably emigrant ships, or any other ship presenting bad hygienic conditions.

ARTICLE XXXI. Any ship not desiring to be subjected to the obligations imposed by the authority of the port in virtue of the stipulations of the present Convention is free to proceed to sea.

It may be authorized to disembark its cargo after the necessary precautions shall have been taken; namely, First, isolation of the ship, its crew and passengers; Second, in regard to plague, demand for information relative to the existence of an unusual mortality among rats; Third, in regard to cholera, the discharge of the bilge-water after disinfection and the substitution of a good potable water for that which is provided on board the ship.

Authority may also be granted to disembark such passengers as may demand it, upon condition that these submit themselves to all measures prescribed by the local authorities.

ARTICLE XXXII. Ships coming from a contaminated port, which have been disinfected and which may have been subjected to sanitary measures applied in an efficient manner, shall not undergo a second time the same measures upon their arrival at a new port, provided that no new case shall have appeared since the disinfection was practiced, and that the ships have not touched in the meantime at an infected port.

When a ship only disembarks passengers and their baggage, or the mails, without having been in communication with *terra firma*, it is not to be considered as having touched at a port, provided that in the case of yellow fever it has not approached sufficiently near the shore to permit the access of mosquitoes.

ARTICLE XXXIII. Passengers arriving on an infected ship have the right to demand of the sanitary authority of the port a certificate showing the date of their arrival and the measures to which they and their baggage have been subjected.

ARTICLE XXXIV. Packet boats shall be subjected to special regulations, to be established by mutual agreement between the countries in interest.

ARTICLE XXXV. Without prejudice to the right which governments possess to agree upon the organization of common sanitary stations, each country should provide at least one port upon each of its seaboards, with an organization and equipment sufficient to receive a vessel, whatever may be its sanitary condition.

When an *indemne* vessel, coming from an infected port, arrives in a large mercantile port, it is recommended that she be not sent to another port for the execution of the prescribed sanitary measures.

In every country, ports liable to the arrival of vessels from ports infected with plague, cholera or yellow fever, should be equipped in such a manner that *indemne* vessels may there undergo, immediately upon their arrival the prescribed measures, and not be sent for this purpose to another port.

Governments should make declaration of the ports which are open in their territories to arrivals from ports infected with plague, cholera or yellow fever.

ARTICLE XXXVI. It is recommended that in large seaports there be established:

(*a*) A regular medical service and a permanent medical supervision of the sanitary conditions of crews, and the inhabitants of the port.

(*b*) Places set apart for the isolation of the sick and the observation of suspected persons. In the *stegomyia* belt there must be a building or part of a building screened against mosquitoes, and a launch and ambulance similarly screened.

(*c*) The necessary installation for efficient disinfection and bacteriological laboratories.

(*d*) A supply of potable water above suspicion, for the use of the port, and the installation of a system of sewerage and drainage, adequate for the removal of refuse.

SECTION IV. *Measures upon land frontiers. Travelers. Railroads. Frontier Zones. River Routes.*

ARTICLE XXXVII. Land quarantines should no longer be established, but the governments reserve the right to establish camps of observation if they should be thought necessary for the temporary detention of suspects.

This principle does not exclude the right for each country to close a part of its frontier in case of necessity.

ARTICLE XXXVIII. It is important that travelers should be submitted to a surveillance on the part of the personnel of railroads, to determine their condition of health.

ARTICLE XXXIX. Medical intervention is limited to a visit (inspection) with the taking of temperature of travelers, and the succor to be given to those actually sick. If this visit is made, it should be combined as much as possible with the customhouse inspection to the end that travelers may be detained as short a time as possible. Only persons evidently sick should be subjected to a searching medical examination.

ARTICLE XL. As soon as travelers, coming from an infected locality, shall have arrived at their destination, it would be of the greatest utility to submit them to a surveillance which should not exceed ten or five days, counting from the date of departure, the time depending upon whether it is a question of plague or cholera. In case of yellow fever the period should be six days.

ARTICLE XLI. Governments may reserve to themselves the right to take particular measures in regard to certain classes of persons, notably vagabonds, emigrants and persons traveling or passing the frontier in bands.

ARTICLE XLII. Coaches intended for the transportation of passengers and mails should not be retained at frontiers.

In order to avoid this retention a system of relays ought to be established at frontiers, with transfer of passengers, baggage and mails. If one of these carriages be infected or shall have been occupied by a person suffering from plague, cholera or yellow fever, it shall be detached from the train for disinfection at the earliest possible moment.

ARTICLE XLIII. Measures concerning the passing of frontiers by the personnel of railroads and of the Post Office are a matter for agreement of the sanitary authorities concerned. These measures should be so arranged as not to hinder the service.

ARTICLE XLIV. The regulation of frontier traffic, as well as the adoption of exceptional measures of surveillance should be left to special arrangement between contiguous countries.

ARTICLE XLV. The power rests with governments of countries bordering upon rivers to regulate by special arrangement the sanitary regime of river routes.

Articles Relating to Yellow Fever.

Article XLVI. Ships infected with yellow fever are to be subjected to the following regulations:

1. Medical visit (Inspection).

2. The sick are to be immediately disembarked protected by netting against the access of mosquitoes and transferred to the place of isolation in an ambulance or a litter similarly screened.

3. Other persons should also be disembarked if possible, and subjected to an observation of six days, dating from the day of arrival.

4. In the place set apart for observation, there shall be screened apartments or cages where anyone presenting an elevation of temperature above 37.6 degrees Centigrade shall be screened until he may be carried in the manner indicated above to the place of isolation.

5. The ship shall be moored at least two hundred metres from the inhabited shore.

6. The ship shall be fumigated for the destruction of mosquitoes before the discharge of cargo, if possible. If a fumigation be not possible before the discharge of the cargo, the health authorities shall order, either

(*a*) The employment of immune persons for discharging the cargo, or

(*b*) If non-immunes be employed they shall be kept under observation during the discharging of cargo and for six days, to date from the last day of exposure on board.

Article XLVII. Ships suspected of yellow fever are to be subjected to the measures which are indicated in Nos. 1, 3 and 5 of the preceding article; and, if not fumigated, the cargo shall be discharged as directed under sub-paragraph (a) or (b) of the same article.

Article XLVIII. Ships indemne from yellow fever, coming from an infected port, after the medical visit (inspection), shall be admitted to free pratique, provided the duration of the trip has exceeded six days.

If the trip be shorter, the ship shall be considered as suspected until the completion of a period of six days, dating from the day of departure.

If a case of yellow fever develop during the period of observation, the ship shall be considered as infected.

Article XLIX. All persons who can prove their immunity to yellow fever, to the satisfaction of the health authorities shall be permitted to land at once.

Article L. It is agreed that in the event of a difference of interpretation of the English and Spanish texts, the interpretation of the English text shall prevail.

Transitory Disposition.

The governments which may not have signed the present Convention are to be admitted to adherance thereto upon demand; notice of this adherence to be given through diplomatic channels to the government of the United States of America and by the latter to the other signatory governments.

Made and signed in the City of Washington on the 14th day of the month of October, nineteen hundred and five, in two copies, in Eng-

lish and Spanish respectively, which shall be deposited in the State Department of the Government of the United States of America, in order that certified copies thereof, in both English and Spanish, may be made to transmit them through diplomatic channels to each one of the signatory countries.

D Eduardo Moore.
Juan J. Ulloa.
Juan Guiteras.
E. B. Barnet.
Emilio C. Joubert.
M. H. Alcivar.
Walter Wyman.
H. D. Geddings.
John S. Fulton.
Walter D. McCaw
J. D. Gatewood
H. L. E. Johnson, M. D.
Joaquín Yela.
E. Licéaga.
J L Medina M. D.
Daniel Edo Lavorería.
N. Veloz Goiticoa.

1906.

General Act of the International Conference at Algeciras and an Additional Protocol.

Signed at Algeciras April 7, 1906; ratification advised by the Senate December 12, 1906; ratified by the President December 14, 1906; ratification deposited with the Spanish Government December 31, 1906; proclaimed January 22, 1907.

(The general act is in the French language. The following translation is taken from the proclamation of the President.)

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109. Specifications.
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111. Concessions.
112. Conditions of concessions.
113. Expropriation.
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[Translation.]

"In the Name of Almighty God."

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, etc.; His Majesty the King of Italy; His Majesty the Sultan of Morocco; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, etc., etc., etc.; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden:

Inspired by the interest attaching itself to the reign of order, peace, and prosperity in Morocco, and recognizing that the attainment thereof can only be effected by means of the introduction of reforms based upon the triple principle of the sovereignty and independence of His Majesty the Sultan, the integrity of his domains, and economic liberty without any inequality, have resolved, upon the invitation of His Shereefian Majesty, to call together a conference at Algeciras for the purpose of arriving at an understanding upon the said reforms, as well as examining the means for obtaining the resources necessary for their application, and have appointed as their delegates plenipotentiary the following:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire:

Mr. Joseph de Radowitz, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Christian, Count of Tattenbach, His Envoy Extraordinary and Minister Plenipotentiary to His Very Faithful Majesty.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

Rudolph, Count of Welsersheimb, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Leopold, Count Bolesta-Koziebrodzki, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the King of the Belgians:

Maurice, Baron Joostens, His Envoy Extraordinary and Minister Plenipotentiary to his Catholic Majesty, and

Conrad, Count of Buisseret Steenbecque de Blarenghem, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the King of Spain:

Don Juan Manuel Sanchez y Gutiérrez de Castro, Duke of Almodóvar del Río, His Minister of State, and

Don Juan Pérez-Caballero y Ferrer, His Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians.

The President of the United States of America:

Mr. Henry White, Ambassador Extraordinary and Plenipotentiary of the United States of America to His Majesty the King of Italy, and

Mr. Samuel R. Gummeré, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Morocco.

The President of the French Republic:

Mr. Paul Révoil, Ambassador Extraordinary and Plenipotentiary of the French Republic to the Swiss Confederation, and

Mr. Eugène Regnault, Minister Plenipotentiary.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India:

Sir Arthur Nicolson, His Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of All the Russias.

His Majesty the King of Italy:

Emile, Marquis Visconti Venosta, Knight of the Order of the Very Holy Annunciation, and

Mr. Giulio Malmusi, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the Sultan of Morocco:

El Hadj Mohammed Ben-el Arbi Ettorrés, His Delegate at Tangier and Ambassador Extraordinary,

El Hadj Mohammed Ben Abdesselam El Mokri, His Minister of Expenses,

El Hadj Mohammed Es-Seffar, and Sid Abderrhaman Bennis.

Her Majesty the Queen of the Netherlands:

Jonkheer Hannibal Testa, Her Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty.

His Majesty the King of Portugal and of the Algarves, etc., etc., etc.:

Anthony, Count of Tovar, His Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty, and

Francis Robert, Count of Martens Ferrao, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary to Morocco.

His Majesty the Emperor of All the Russias:

Arthur, Count Cassini, His Ambassador Extraordinary and Plenipotentiary to His Catholic Majesty, and

Mr. Basile de Bacheracht, His Minister to Morocco.

His Majesty the King of Sweden:

Mr. Robert Sager, His Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty and His Very Faithful Majesty.

Who, furnished with full powers, which were found in good and due form, have, in conformity with the programme upon which His Shereefian Majesty and the powers have agreed, successively discussed and adopted:

I. A declaration relative to the organization of the police.

II. A regulation concerning the detection and repression of the contraband of arms.

III. An act of concession for a Moroccan State Bank.

IV. A declaration concerning a better return of taxes, and the creation of new revenues.

V. A regulation concerning the customs of the Empire and the repression of fraud and smuggling.

VI. A declaration relative to public services and public works.

And having decided that these different documents might usefully be coordinated in a single instrument, they have united them in a general act composed of the following articles:

Chapter I.

Declaration relative to the organization of the police.

Article 1. The conference summoned by His Majesty the Sultan to pronounce on the measures necessary to organize the police declares that the following provisions should be made:

Art. 2. The police shall be under the sovereign authority of His Majesty the Sultan. It shall be recruited by the Maghzen from Moorish Mohammedans, commanded by Moorish Kaids, and distributed in the eight ports open to commerce.

Art. 3. In order to aid the Sultan in the organization of this police, Spanish officers and noncommissioned officers as instructors, and French officers and noncommissioned officers as instructors, shall be placed at His disposal by their respective Governments, which shall submit their designation to the approval of His Shereefian Majesty. A contract drawn between the Maghzen and these instructors, in conformity to the regulation provided by article 4, shall determine the conditions of their engagement and fix their pay, which must not be less than double of the pay corresponding to the rank of each officer or noncommissioned officer. In addition they will be allowed living expenses, varying according to their residences. Proper lodgings will be placed at their disposal by the Maghzen, which will likewise supply them with their horses and the necessary fodder.

The Governments having jurisdiction over the instructors reserve the right to recall them and replace them by others, accepted and engaged under the same conditions.

Art. 4. These officers and noncommissioned officers for a period of five years, to date from the ratification of the act of the conference, shall give their service to the organization of a body of Shereefian police. They shall assure instruction and discipline in conformity with the regulations to be drawn up in respect thereto. They shall also see that the men enlisted are fit for military service. In a general way they shall supervise the administration of the soldiers and superintend the payment of their salary, which shall be effected by the "Amin," assisted by the accounting officer instructor. They shall extend to the Moorish authorities invested with the command of these bodies their technical aid in the exercise of the said command.

The regulations to assure the recruital, discipline, instruction, and administration of the bodies of police shall be established by mutual agreement between the Shereefian Minister of War or his delegate, the inspector provided by article 7, and the highest ranking French and Spanish instructors.

The regulations shall be submitted to the Diplomatic Body at Tangier, which will formulate its opinion within a month's time. After that period the regulations shall be enforced.

Art. 5. The total strength of the police shall not be more than 2,500 men, nor less than 2,000. It shall be distributed, according to the importance of the ports, in groups varying between 150 and 600 men. The number of Spanish and French officers shall be between sixteen and twenty; of Spanish and French noncommissioned officers, between thirty and forty.

Art. 6. The funds necessary to maintain and pay soldiers and officers and noncommissioned officer instructors shall be advanced by the

State Bank to the Shereefian Treasury within the limits of the annual budget assigned to the police, which shall not exceed two million and a half pesetas for an effective strength of two thousand five hundred men.

ART. 7. During the same period of five years a general inspection shall be made into the working of the police. Such inspection shall be intrusted by His Shereefian Majesty to a superior officer of the Swiss army, who will be submitted to His approval by the Swiss Federal Government. This officer will be styled Inspector-General and reside at Tangier.

He shall inspect at least once a year the different bodies of the police, and after such inspection he shall draw up a report which he will address to the Maghzen.

In addition to such regular reports, he will, if he regards it as necessary, draw up special reports with reference to the working of the police.

Without directly intervening either in the command or the instruction, the Inspector-General will ascertain the results obtained by the Shereefian police, as regards the maintenance of order and security in the places where this police shall have been established.

ART. 8. A copy of the reports and communications made to the Maghzen by the Inspector-General, with reference to his mission, shall at the same time be transmitted to the Dean of the Diplomatic Body at Tangier, in order that the Diplomatic Body be enabled to satisfy itself that the Shereefian police acts in conformity to the decisions taken by the conference, and to see whether it guarantees effectively, and in conformity with the treaties, the security of person and property of foreign citizens, subjects, and protégés, as well as that of commercial transactions.

ART. 9. In the case of complaints filed with the Diplomatic Body by the legation concerned, the Diplomatic Body may, upon notice given to the representative of the Sultan, direct the Inspector-General to investigate and report for all available purposes in the matter of such complaints.

ART. 10. The Inspector-General shall receive an annual salary of 25,000 francs. In addition, he will be allowed 6,000 francs for the expenses of his tours. The Maghzen will place at his disposal a suitable residence and will look after the maintenance of his horses.

ART. 11. The material conditions of his engagement and of his establishment, as provided by article 10, shall be the subject of a contract drawn up between him and the Maghzen. A copy of this contract shall be communicated to the Diplomatic Body.

ART. 12. The staff of instructors of the Shereefian police (officers and noncommissioned officers) shall be Spanish at Tetuan, mixed at Tangier, Spanish at Larache, French at Rabat, mixed at Casablanca, and French in the other three ports.

CHAPTER II.

Regulations concerning the detection and repression of the contraband of arms.

ART. 13. Throughout the Shereefian Empire, except in the cases specified by articles 14 and 15, the importation and sale is forbidden of arms of war, parts of guns, ammunition of any nature, loaded or

unloaded, powder, saltpeter, gun cotton, nitroglycerin, and all compositions destined exclusively for the manufacture of ammunition.

ART. 14. Such explosives as are necessary for industry and public works may, however, be introduced. A regulation drawn up in the manner indicated by article 18 shall determine the conditions under which their importation may be effected.

ART. 15. The arms, parts of guns, and ammunition intended for the troops of His Shereefian Majesty will be admitted after the fulfillment of the following formalities:

A declaration signed by the Moorish Minister of War, describing the number and nature of such articles ordered abroad, must be presented to the legation of the country of their origin, whose visa shall be affixed thereto.

The passage through the customs of the cases and packages containing the arms and munitions, delivered at the order of the Moorish Government, shall be effected upon the presentation:

1. Of the aforesaid declaration.

2. Of the invoice indicating the number and weight of the packages and the number and kind of the arms and munitions contained therein. This document must be visaed by the legation of the country of their origin, which will mark on the back the successive amounts previously passed through the customs. This visa will be refused when the order shall have been entirely delivered.

ART. 16. The importation of sporting and high-priced arms, parts of guns, cartridges loaded and unloaded, is likewise forbidden. It may none the less be authorized—

1°. For the strictly personal requirements of the importer;

2°. For supplying the gunshops authorized by article 18.

ART. 17. Sporting and high-priced arms and the ammunition for the same will be admitted for the strictly personal requirements of the importer on presentation of a permit issued by the representative of the Maghzen at Tangier. If the importer is a foreigner, this permit will only be granted at the request of his legation.

With respect to ammunition for sporting purposes, each permit shall allow a maximum of a thousand cartridges or the supplies necessary for the manufacture of a thousand cartridges. The permit shall only be issued to those who have never been sentenced for any offense.

ART. 18. The trade in sporting and high-priced arms, not rifled, of foreign manufacture, as well as of the ammunition appertaining to the same, shall be regulated, as soon as circumstances permit, by a Shereefian decision made in conformity with the advice of a majority of the Diplomatic Body at Tangier. This shall be the case, as well, with decisions intended to suspend or restrict the exercise of such trade.

Only such persons as have secured a special and temporary license from the Moorish Government shall be allowed to open and operate retail shops for the sale of sporting guns and ammunition. This license shall only be given at the written request of the applicant, indorsed by his legation.

Regulations drawn up in the manner indicated by the first paragraph of this article shall determine the number of such retail shops which may be opened at Tangier and, if occasion arises, in the ports that may be later designated. They shall fix the formalities to be imposed on the importation of explosives intended for industry and

public works, of arms and ammunition intended to supply such shops, as well as the maximum quantity of stock that can be kept.

In case of the violation of the regulating ordinances, the license may be temporarily or permanently withdrawn without prejudice to other penalties incurred by the offenders.

ART. 19. Every introduction of, or attempt to introduce, the prohibited merchandise shall make it liable to confiscation, and further to the punishments and fines mentioned below, which shall be pronounced by the competent jurisdiction.

ART. 20. The introduction or attempt to introduce in a port open to commerce, or through a custom-house, shall be punished:

1°. By a fine of from 500 to 2,000 pesetas and an additional fine equal to three times the value of the imported merchandise;

2°. By imprisonment of from five days to a year, or else by only one of these two punishments.

ART. 21. The introduction or attempt to introduce outside a port open to commerce or a custom-house shall be punished:

1°. By a fine of from 1,000 to 5,000 pesetas and an additional fine equal to three times the value of the imported merchandise;

2°. By imprisonment of from three months to two years, or else by only one of these two punishments.

ART. 22. The fraudulent sale, the receiving and peddling, of merchandise prohibited by the present regulations shall be punished according to the penalties specified in article 20.

ART. 23. The accomplices in the offenses set forth in articles 20, 21, and 22 shall be liable to the same penalties as the principals. The elements determining complicity shall be adjudged according to the laws of the court in charge of the case.

ART. 24. When there is good reason to suppose that a vessel anchored in a port open to commerce carries guns, ammunition, or other prohibited merchandise, with a view of introducing the same into Morocco, the officers of the Shereefian customs shall so inform the competent consular authority, in order that the latter may carry out, in company with a delegate of the Shereefian customs, such investigations, verifications, or searches as may be judged necessary.

ART. 25. In the case of the introduction or the attempted introduction by sea of prohibited merchandise outside of a port open to commerce, the Moorish customs authorities may bring the vessel to the nearest port, to be turned over to the consular authority, who shall have the right to seize it and continue such seizure until payment of the fines decreed. The vessel may, however, be released at any period of the trial, provided that the judicial proceedings shall not be impeded thereby, on the deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

ART. 26. The Maghzen may retain the confiscated merchandise either for its own use, if able to utilize it, on condition that the subjects of the Empire shall not be able to get possession of it, or it shall dispose of it abroad.

The conveyances of the same on shore may be confiscated and shall be sold for the profit of the Shereefian Treasury.

ART. 27. The sale of arms condemned by the Moorish Government shall be prohibited throughout the Shereefian Empire.

ART. 28. Rewards taken out of the amount of the fines levied are to be given to the informants who have been instrumental in discovering forbidden merchandise and to the agents who have effected its seizure. Such rewards shall be assigned after deducting, if necessary, the costs of the trial, one-third to be distributed by the customs among the informants, one-third to the officers who seized the merchandise, and one-third to the Moroccan Treasury.

If the seizure has been effected without the intervention of an informer one-half of the fines shall go to the officer making the seizure and the other half to the Shereefian Treasury.

ART. 29. The Moorish customs authorities shall notify directly the diplomatic or consular agents of any violations of this regulation, committed by those under their jurisdiction, in order that the same may be prosecuted before the proper jurisdiction.

Similar violations committed by Moorish subjects shall be submitted directly by the customs to the Shereefian authority.

A delegate of the customs shall be assigned to follow the procedure of cases pending before the different jurisdictions.

ART. 30. In the region bordering on Algeria, the enforcement of the regulations on the contraband of arms shall be the exclusive concern of France and Morocco.

Similarly, the enforcement of the regulation on the contraband of arms in the Riff and in general in the regions bordering on the Spanish possessions shall be the exclusive concern of Spain and Morocco.

CHAPTER III.

Act of concession for a State Bank.

ART. 31. A bank shall be established in Morocco under the name of the "State Bank of Morocco," to exercise the following specified rights, which are granted to it by His Majesty the Sultan for a period of forty years, to date from the ratification of this act.

ART. 32. The Bank, which will have power to carry on all transactions entering into the operations of a bank, shall have the exclusive privilege of issuing notes to bearer, payable on presentation and receivable for public dues throughout the Moorish Empire.

The Bank shall maintain for a period of two years, to date from its going into operation, cash on hand at least equal to half its notes in circulation, and equal to at least one-third after the expiration of said period of two years. At least one-third of such cash on hand is to be gold bullion or gold coin.

ART. 33. The Bank shall, to the exclusion of every other bank or establishment of credit, discharge the duty of disbursing treasurer of the Empire. To this end the Moorish Government shall take all necessary measures to deposit in the Bank the proceeds of the customs revenues, exclusive of the part thereof applied to the loan of 1904, and such other revenues as it may designate.

With reference to the special tax established in order to carry out certain public works, the Moorish Government must have the same deposited in the Bank, as well as the revenues it may later pledge for its loans, the Bank being especially charged with the

payments thereon, except, however, in the case of the loan of 1904, which is governed by special contract.

ART. 34. The Bank shall be the financial agent of the Government both within and without the Empire, without prejudice to the Government's right to apply to other banking houses or establishments of credit for its public loans. The Bank, however, shall enjoy, in regard to such loans, a right of preference, other conditions being equal, over any banking or credit establishment.

For Treasury notes or other short-term notes which the Moorish Government may wish to negotiate without making it a public issue, the Bank shall, however, be charged, to the exclusion of every other establishment, with negotiating the same for the account of the Moorish Government, either in Morocco or abroad.

ART. 35. The Bank shall make advances to the Moroccan Government on account current up to a million francs, chargeable against Treasury receipts.

The Bank shall likewise open a credit account for the Government for the period of ten years, to date from its establishment, such account not to exceed two-thirds of its initial capital.

This credit account shall be distributed over several years and employed primarily for the expenses of establishing and maintaining the bodies of police, organized in conformity to the decisions adopted by the conference, and secondarily for the expenses of such works of public interest as might not be charged to the special fund as provided for by the following article:

The maximum rate for these two advances will be 7 per cent, bank commission included, and the Bank may ask the Government to give as security an equal amount in Treasury notes.

If before the expiration of the said term of ten years the Moorish Government should contract a loan, the Bank would have the right to obtain the immediate reimbursement of its advances made in accordance with the second paragraph of the present article.

ART. 36. The proceeds of the special tax (articles 33 and 66) shall form a special fund for which the Bank shall keep a separate account. This fund shall be employed in conformity to the regulations adopted by the conference.

In the case of its insufficiency, and chargeable to later receipts, the Bank may open a special credit for such fund, the amount of which should not exceed the total of the receipts for the previous year.

The conditions of the rate and commission shall be the same as those established by the preceding article for advances to the Treasury on account current.

ART. 37. The Bank shall take such measures as it may deem conducive to a sounder monetary situation in Morocco. Spanish currency shall continue to be permitted to circualte as legal tender.

In consequence, the Bank shall have the exclusive charge of purchasing precious metals, of striking and melting coins, as well as of all its other monetary operations for the account and profit of the Moorish Government.

ART. 38. The home office of the Bank shall be at Tangier, but it shall establish branches and agencies in the principal cities of Morocco or in any other place it may deem expedient.

ART. 39. The land necessary for the establishment of the Bank, as well as its branches and agencies in Morocco, shall be placed gra-

tuitously at its disposal by the Government, and at the expiration of the concession the Government shall retake possession of it and reimburse the Bank for the cost of building these establishments. The Bank shall further be authorized to purchase such houses and land as it may require for the same purpose.

ART. 40. The Shereefian Government shall insure and be responsible for the safety and protection of the Bank, its branches and agencies. To this end it shall place an adequate guard at the disposal of each establishment in every city.

ART. 41. The Bank, its branches and agencies, shall be exempt from all imposts or dues, ordinary or extraordinary, existing or to be created. The same exemption shall be extended to real estate devoted to its use, and to the certificates and coupons of its shares and to its notes. The importation and exportation of metals and coins intended for banking operations shall be authorized and exempted from every tax.

ART. 42. The Shereefian Government shall exercise its high supervision over the Bank by a High Commissioner, whom it shall appoint after a previous agreement with the Bank's Board of Directors.

This High Commissioner shall have the right to examine into the management of the Bank. He shall supervise the issuance of bank notes and shall see that the provisions of the concession are strictly observed.

The High Commissioner shall sign every note or affix thereto his seal. He shall be charged with the supervision of the relations between the Bank and the Imperial Treasury.

He shall take no part in the administration or transaction of the banking business, but he shall always have the right to attend the meetings of the Censors.

The Shereefian Government shall appoint one or two deputy commissioners, who shall be especially charged with the supervision of the financial transactions of the Treasury with the Bank.

ART. 43. A set of rules defining the relations of the Bank and of the Moorish Government shall be framed by the special committee provided for in article 57 and approved by the Censors.

ART. 44. The Bank, organized with the approval of the Government of His Shereefian Majesty in the form of a corporation, shall be governed by the French law relative thereto.

ART. 45. Actions instituted in Morocco by the Bank shall be brought before the Consular Court of the defendant or before the jurisdiction of Morocco, in accordance with the rules of competence established by the Shereefian treaties and firmans.

Actions instituted in Morocco against the Bank shall be brought before a special tribunal consisting of three consular magistrates and two associates. The Diplomatic Body shall, each year, arrange the list of magistrates, associates, and substitutes.

This tribunal shall apply to such cases the rules of law, procedure, and competence established by the French legislation in commercial matters. Appeals from judgments pronounced by this tribunal shall be taken to the Federal Court of Lausanne, whose decision shall be final.

ART. 46. In case of dispute over the clauses of the concession or litigation arising between the Moorish Government and the Bank, the

difference shall be referred, without appeal or recourse, to the Federal Court of Lausanne.

All disputes arising between the shareholders and the Bank in regard to the enforcement of the by-laws or by reason of the corporate business shall likewise be referred, without appeal or recourse, to the same court.

ART. 47. The by-laws of the Bank shall be framed on the following bases by a special committee provided for in article 57. They shall be approved by the Censors and ratified by the General Assembly of Shareholders.

ART. 48. The General Constituent Assembly of the corporation shall fix the place where the meetings of the shareholders and the sessions of the Board of Directors shall be held; the latter, however, shall have the faculty of meeting at any other city if it deems it expedient.

The office of the manager of the Bank shall be at Tangier.

ART. 49. The Bank shall be administered by a Board of Directors consisting of as many members as there are parts in the initial capital.

The Directors shall have the most extensive powers for the administration and management of the corporation; they shall especially appoint the managers, assistant managers, and members of the commission indicated in article 54, as well as the managers of branches and agencies.

The employees of the company shall be recruited so far as possible from among the citizens, subjects, or protégés of the several powers which have taken part in subscribing the capital.

ART. 50. The Directors, who shall be appointed by the General Assembly of Shareholders, shall be nominated by the groups subscribing the capital.

The first Board shall remain five years in office. At the expiration of this period, there shall be a renewal at the rate of three members annually. The order of outgoing Directors shall be determined by lot; they may be reelected.

On the constitution of the corporation, each subscribing group shall have the right to nominate as many directors as it shall have subscribed entire parts, but such groups shall not be compelled to select candidates of their own nationality.

The subscribing groups shall not retain their right of nominating directors when the latter are superseded or reelected, unless they can prove that they still have in their possession at least one-half the share conferring that right upon them.

In a case where, by reason of these provisions, a subscribing group should be no longer in a position to nominate a director, the General Assembly of Shareholders shall make a direct nomination.

ART. 51. Each of the following institutions: the Bank of the German Empire, the Bank of England, the Bank of Spain, and the Bank of France, shall, with their Government's approval, appoint a Censor for the State Bank of Morocco.

The Censors shall remain in office four years. The outgoing Censors may be reappointed.

In the case of death or resignation the institution which had appointed the former incumbent shall fill the vacancy, but only for the unexpired term of the vacated office.

ART. 52. The Censors who shall exercise their mandate by virtue of this act of the Signatory Powers shall, in the interests of the latter,

see that the Bank is efficiently operated and insure the strict observance of the clauses of the concession and of the statutes. They shall see that the regulations governing the issuance of notes are precisely fulfilled, and shall supervise the operations tending to put the monetary situation on a sound basis, but they shall never, under any pretext, interfere in the conduct of business or in the internal administration of the Bank.

Each of the Censors shall be empowered to examine at all times the Bank accounts, and to call for information either from the Board of Directors or the manager's office with regard to the management of the Bank, and attend the meetings of the Board of Directors, but only in an advisory capacity.

The four Censors shall meet at Tangier in the discharge of their duties at least once every two years, at a time to be fixed by them. Other meetings at Tangier or elsewhere may take place if three of the Censors should demand it.

The four Censors shall draw up in common accord an annual report, which shall be annexed to that of the Board of Directors. The Board of Directors shall transmit without delay a copy of such report to each of the Governments signatory to the act of the conference.

ART. 53. The Censors' emoluments and traveling expenses shall be fixed by the committee on by-laws. They shall be paid directly by the banks charged with their nomination, and the amount reimbursed to these institutions by the State Bank of Morocco.

ART. 54. To assist the manager's office a committee shall be established at Tangier, the members of which shall be chosen by the Board of Directors, without distinction of nationality, from among the notables residing at Tangier and holding shares of the Bank.

This committee, which shall be presided over by one of the managers or assistant managers, shall give its advice on questions of discounts and opening of credit acounts.

It shall transmit a monthly report on these various subjects to the Board of Directors.

ART. 55. The capital, of which the amount shall be fixed by the special committee designated in article 57, shall be not less than fifteen million francs nor more than twenty million francs, and shall be of gold coin, and the shares thereof, of the value of five hundred francs each, shall be inscribed with the various gold coinages at a fixed rate of exchange, as determined by the by-laws.

The said capital may thereafter be increased at one or more times by a decision of the General Assembly of Shareholders.

The subscription to the increased capital shall be reserved for all shareholders, without distinction of groups, in proportion to their individual holdings.

ART. 56. The initial capital of the Bank shall be divided into as many equal parts as there are participants among the powers represented at the conference.

To this end, each power shall designate a bank which shall exercise either for itself or for a group of banks the above-specified right of subscription, as well as the right of nomination of the Directors, as provided in article 50. Any bank selected as head of a group may, with its Government's authorization, be superseded by another bank of the same country.

States wishing to avail themselves of their rights of subscription must notify such intention to the Royal Government of Spain within a period of four weeks from the signature of this act by the representatives of the powers.

Two parts, however, equal to those reserved to each of the subscribing groups, shall be assigned to the *consortium* of banks signatory of the contract of June 12, 1904, in compensation for the cession which shall be made by the *consortium* to the State Bank of Morocco:

(1) Of the rights specified in article 33 of the contract;

(2) Of the right inscribed in article 32 (paragraph 2) of the contract concerning the available balance of the customs receipts, with the express reservation of the general preferential right to the aggregate proceeds of customs granted to bondholders by article 11 of the same contract.

ART. 57. Within a period of three weeks from the time of closing the subscriptions, notified by the Royal Government of Spain to the powers interested, a special committee composed of delegates appointed by the subscribing groups, as provided in article 50 for the appointment of Directors, shall meet with a view to elaborating the by-laws of the Bank.

The General Constituent Assembly shall meet two months after the ratification of this act.

The functions of such special committee shall cease upon the organization of the corporation.

The special committee shall fix the place of its meetings.

ART. 58. No modification shall be made in the by-laws except on the motion of the Board of Directors and with the advice and consent of the Censors and the Imperial High Commissioner.

Such modifications must be voted by a three-quarters majority, either present or represented, of the General Assembly of Shareholders.

CHAPTER IV.

A declaration concerning a better return of taxes and the creation of new revenues.

ART. 59. As soon as the "tertib" shall have been put into regular operation with regard to Moorish subjects, the representatives of the powers at Tangier shall subject their citizens, subjects, and protégés in the Empire to the application thereof. But it is understood that this tax shall not be applied to foreign subjects except—

(*a*) Under the conditions stipulated by the regulation of the Diplomatic Body at Tangier on November 24, 1903;

(*b*) At places where it shall effectively be collected from Moorish subjects.

The consular authorities shall retain a certain percentage of the receipts of the taxes they collect from those subject to their jurisdiction to cover the cost of tax bills and collection.

The rate of such percentage shall be fixed by mutual agreement between the Maghzen and the Diplomatic Body at Tangier.

ART. 60. In accordance with the right granted by article 11 of the Madrid Convention, foreigners shall have the right to acquire property throughout the Shereefian Empire, and His Majesty the Sultan shall issue to his administrative and judicial officers such instructions

as may be necessary for them not to refuse the registration of deeds without lawful cause. Subsequent transfers, either by deeds between living parties or by death, shall continue without hindrance.

In the ports open to commerce and within a radius of ten kilometers around such ports, His Majesty the Sultan, generally and without it being necessary henceforth for foreign subjects to obtain a special permission for each purchase of property, now grants the consent required by article 11 of the Madrid Convention.

At Ksar el Kebir, Arzila, Azemour, and eventually in other towns of the coast or the interior, the general authorization stated above is likewise granted to foreigners, but only for purchasers within a radius of two kilometers around those towns.

Wherever foreigners may have acquired property they will be permitted to erect buildings in compliance with regulations and usage.

Before authorizing the execution of deeds for transferring property, the Cadi will have to satisfy himself of the validity of the title in conformity to the Mohammedan law.

The Maghzen shall designate in each city and district specified in this article the Cadi who shall have charge of such verification.

ART. 61. With a view to creating new resources for the Maghzen, the conference recognizes in principle that a tax may be established on city buildings.

A part of the receipts thus realized shall be set aside for the requirements of municipal streets and hygiene, and generally for the expense of improvement and conservation of the cities.

The tax is due from the Moorish or foreign owner, without distinction, but the tenant or the holder of the key shall be responsible to the Moorish Treasury.

Regulations issued jointly by the Shereefian Government and the Diplomatic Body at Tangier shall establish the rate, its method of collection and application, and shall determine the quota of revenue thus created which shall be devoted to the expense of improvement and conservation of the cities.

At Tangier this quota shall be turned over to the International Sanitary Council, which shall decide as to its use until the creation of a municipal organization.

ART. 62. His Shereefian Majesty having decided in 1901 that the Moorish officials who collect the agricultural taxes should no longer receive either the "sokhra" or the "mouna," the conference is of the opinion that this rule should be made general, so far as is possible.

ART. 63. The Shereefian delegates have stated that habou property, or certain State property, notably buildings of the Maghzen, occupied at a rental of 6 per cent, are held by persons subject to foreign jurisdiction without regular title or by virtue of contracts subject to revision. The conference, desirous of remedying this state of affairs, charges the Diplomatic Body at Tangier to solve these two questions equitably, in accord with the special commissioner whom His Shereefian Majesty may be pleased to designate to that effect.

ART. 64. The conference takes formal note of the proposition formulated by the Shereefian delegates on the subject of taxes to be created on certain trades, industries, and professions.

If as the result of the collection of such taxes from Moorish subjects the Diplomatic Body at Tangier should deem it advisable to

extend the same to those under foreign jurisdiction, it is hereby specified that the said taxes shall be exclusively municipal.

ART. 65. The conference adheres to the proposition proposed by the Moorish delegation to create, with the assistance of the Diplomatic Body—

(*a*) A stamp tax on contracts and notarial acts brought before "adouls."

(*b*) A maximum transfer tax of 2 per cent on sales of real estate.

(*c*) A statistical and weighing tax of a maximum of 1 per cent ad valorem on merchandise transported by coasting vessels.

(*d*) A passport fee to be collected from Moorish subjects.

(*e*) Eventually, wharfage and light-house dues, the proceeds of which shall be devoted to harbor improvement.

ART. 66. Merchandise of foreign origin shall temporarily be subject on entry into Morocco to special taxes amounting to 2½ per cent ad valorem. The whole proceeds of this special tax shall form a special fund, which shall be devoted to the execution of and expenses connected with public works for the development of navigation and the general trade of the Shereefian Empire.

The programme of works and their order of priority shall be determined jointly by the Shereefian Government and the Diplomatic Body at Tangier.

The surveys, estimates, plans, and specifications appertaining thereto shall be made by a competent engineer, appointed by the Shereefian Government jointly with the Diplomatic Body. This engineer may, if necessary, be assisted by one or more assistant engineers. Their salaries shall be charged to the special fund.

The special fund will be deposited with the State Bank of Morocco, which is to keep its accounts.

Public contracts shall be awarded in the form and under the general terms prescribed by the regulations that the Diplomatic Body at Tangier is charged to frame, together with the representative of His Shereefian Majesty.

The board of awards shall consist of one representative of the Shereefian Government, of five delegates of the Diplomatic Body, and of the engineer.

The award shall be given in favor of the bidder who, in conformity with the specifications, may submit the bid offering the most advantageous general terms.

As for the sums yielded by the special tax and collected at the customs-houses, in the districts specified in article 103 of the Customs Regulations, their expenditure will be determined upon by the Maghzen, with the consent of the neighboring power, in accordance with the clauses of this article.

ART. 67. The conference, without detriment to the observations offered upon this point, expresses the wish that the export duties on the following merchandise be reduced as follows:

	Per cent.
Chick-peas	20
Corn	20
Barley	50
Wheat	34

ART. 68. His Shereefian Majesty will consent to increase from six to ten thousand the number of head of cattle of the bovine species

which each power shall have the right to export from Morocco. Such exportation may be effected through any custom-house. If by misfortune there should be a scarcity of cattle in any particular district his Shereefian Majesty shall have the right to temporarily forbid the exportation of cattle through the port or ports of that district. Such measure shall not exceed two years; nor shall it be applied at the same time to all the ports of the Empire.

It is further understood that the preceding provisions do not modify the other conditions for the exportation of cattle as fixed by previous firmans.

The conference expresses the additional wish that a veterinary inspection be organized as soon as possible at the seaports.

ART. 69. In accordance with the previous decisions of His Shereefian Majesty, and notably the decision of September 28th, 1901, the transportation is allowed by coasting vessels, between all ports of the Empire, of cereals, grains, vegetables, fruits, eggs, poultry, and in general of merchandise and animals of every kind, of Moroccan origin or not; except horses, donkeys, and camels, for which a special permit from the Maghzen will be necessary. Such coasting trade may be carried on by vessels of every nationality without such articles being subjected to payment of the export duties, but subject to the special taxes and regulations relative thereto.

ART. 70. The rate of sojourn and anchorage dues levied on ships in Moorish ports being fixed by treaties with certain powers, the said powers are disposed to consent to a revision of such dues.

The Diplomatic Body at Tangier is therefore charged to effect an agreement with the Maghzen on the terms of such revision, which can not, however, take place until after the improvement of the ports.

ART. 71. The customs storage dues shall be collected in all Moorish ports where there are adequate warehouses, in conformity to the regulations existing or to be adopted in regard thereto by the Government of His Shereefian Majesty in accord with the Diplomatic Body at Tangier.

ART. 72. Opium and kiff will continue to be a monopoly of the Shereefian Government. The importation of opium specially intended for medicinal purposes will, however, be allowed by special permit issued by the Maghzen at the request of the legation, the physician, or apothecary importing the same. The Shereefian Government and the Diplomatic Body shall jointly determine the maximum quantity which may be thus introduced.

ART. 73. The representatives of the powers take note of the Shereefian Government's intention to extend to tobacco of all kinds the monopoly existing in the case of snuff. They reserve the right of their citizens, subjects, and protégés to be duly indemnified for damages which the said monopoly may cause such of them as carry on a tobacco business established under the present system. In case no amicable agreement shall be reached, the damages shall be fixed by experts designated by the Maghzen and the Diplomatic Body, in conformity with the provisions governing expropriation for public purposes.

ART. 74. The principle of awarding contracts on bids without preference of nationality shall be applied to the farming of the monopoly of opium and kiff. The same rule would apply to the tobacco monopoly, if created.

ART. 75. If the occasion should arise to modify any of the provisions of this declaration, the Maghzen and the Diplomatic Body at Tangier shall reach an understanding on this point.

ART. 76. In all the cases provided for by the present declaration where the Diplomatic Body shall be called upon to intervene, except in what concerns articles 64, 70, and 75, the decision shall be reached by a majority of the votes.

CHAPTER V.

A regulation concerning the customs of the Empire and the repression of fraud and smuggling.

ART. 77. Every captain of a merchantman coming from a foreign or a Moorish port shall, within twenty-four hours after having been granted free pratique in any of the ports of the Empire, deposit at the customs an exact copy of his manifest, signed by him and certified to by the vessel's consignee. He shall furthermore, if required to do so, produce before the customs authorities the original of his manifest.

The customs shall have power to station one or more watchmen on board to prevent illicit trade.

ART. 78. The following are exempt from depositing the manifest:

1°. Men-of-war or ships chartered for the account of a power.

2°. Boats belonging to private individuals for their personal use and never carrying any merchandise.

3°. Boats or craft used for shore fisheries.

4°. Yachts intended only as pleasure boats and registered as such at their home ports.

5°. Ships especially charged with laying down and repairing telegraphic cables.

6°. Boats exclusively used in life-saving service.

7°. Hospital ships.

8°. Training ships of the merchant marine not engaged in commercial operations.

ART. 79. The manifest deposited at the customs shall state the nature and origin of the cargo, with the marks and numbers of the cases, bales, bundles, casks, etc.

ART. 80. If there is serious reason to suspect the accuracy of the manifest, or in case the captain of the ship should refuse to allow the visit and verifications of customs officers, the case shall be brought to the attention of the proper consular authority, in order that the latter, in company with a delegate of the Shereefian customs, shall undertake the investigations, visits, and verifications that he may judge necessary.

ART. 81. If after twenty-four hours, as stated in article 77, the captain has not deposited his manifest, he shall incur, unless the delay be a case of *vis major*, a fine of 150 pesetas for each day's delay; provided, however, that the fine shall not exceed 600 pesetas. If the captain has fraudulently presented an inaccurate or incomplete manifest, he shall be personally condemned to pay a sum equal to the value of the merchandise for which he has failed to produce the manifest, and a fine of from 500 to 1,000 pesetas, and the vessel and merchandise shall be further liable to seizure by consular authority as security for such fine.

ART. 82. Any person about to pass through the customs merchandise imported or intended for exportation shall file in the custom-house a detailed statement setting forth the nature, quality, weight, number, measurement, and value of the merchandise, as well as the nature, marks, and numbers of the packages containing the same.

ART. 83. If there should be found at the time of the visit fewer packages or less merchandise than declared, the declarant, unless able to prove that he has acted in good faith, shall pay double duties for the missing merchandise, and the merchandise presented shall be retained in the customs as security for such double duty. If, on the contrary, there should be found at the time of the visit an excess of packages, or quantity, or weight of the merchandise, this excess shall be seized and confiscated for the benefit of the Maghzen, unless the person making the declaration can prove his good faith.

ART. 84. If the declaration should be found inaccurate as to kind or quality, and the declarant is unable to prove his good faith, the merchandise wrongly declared shall be seized and confiscated by the proper authority for the benefit of the Maghzen.

ART. 85. If the declaration should be found inaccurate as to the declared value, and the declarant should be unable to prove his good faith, the customs may either levy the duty in kind, then and there, or, if the merchandise is indivisible, take the said merchandise by at once paying to the declarant its declared value, plus 5 per cent.

ART. 86. If the declaration should be found false as to the nature of the merchandise the latter shall be considered as not having been declared, and the offense shall fall under articles 88 and 90 hereinbelow, and shall be punished by the penalties provided for in the said articles.

ART. 87. The smuggling, flagrant or attempted, in or out of the country, by land or by sea, of merchandise subject to duty shall be punishable by confiscation of the merchandise, without prejudice to the penalties and fines hereinbelow, which shall be imposed by the proper jurisdiction.

In addition, the conveyances on shore shall be seized and confiscated when smuggled goods form the greater part of the load.

ART. 88. The smuggling, flagrant or attempted, in or out of the country, through a port open to commerce or through a custom-house, shall be punished by a fine not to exceed triple the value of the merchandise so smuggled and by imprisonment of from five days to six months, or by only one of these penalties.

ART. 89. The smuggling, flagrant or attempted, in or out of the country, outside of a port open to commerce or of a custom-house, shall be punished by a fine of from 300 to 500 pesetas, and by an additional fine equal to three times the value of the merchandise, or by imprisonment of from a month to a year.

ART. 90. The accomplices in offenses as provided by articles 88 and 89 shall be liable to the same penalties as the principals. The elements constituting complicity shall be adjudged according to the law of the tribunal in charge of the case.

ART. 91. In the case of smuggling, flagrant or attempted, in or out of the country, by a vessel outside of a port open to commerce, the Moorish customs shall have the right to take such vessel to the nearest port, to be turned over to the consular authority, and the

said authority may seize and detain the vessel until it shall have paid the amount of the penalties imposed.

The vessel shall be released at any stage of the action, in so far as the preliminary judicial proceedings are not impeded thereby, upon deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

ART. 92. The provisions of the preceding articles are also applicable to coasting vessels.

ART. 93. Such merchandise as is not subject to an export duty, shipped in a Moorish port to be transported by sea to some other port in the Empire, shall be accompanied by a certificate issued by the customs, under penalty of being subjected to the payment of import duties, and even of being confiscated, if not entered in the manifest.

ART. 94. The transportation by coasting vessels of products subject to export duties can only be effected by depositing at the custom-house of the port of departure the amount of export duties on such merchandise and taking receipt therefor.

This money shall be returned to the depositor by the custom-house where it was deposited, on production of a declaration on which the customs certify the arrival of such merchandise and of the receipt for the deposit of the amount of the duties. The documents proving the arrival of the merchandise shall be produced within three months from the time of shipment. After this term, unless the delay be a case of *vis major*, the amount deposited shall become the property of the Maghzen.

ART. 95. The import and export duties shall be paid cash at the custom-house where liquidation has been made. The ad valorem duties shall be liquidated according to the cash wholesale value of the merchandise delivered in the custom-house and free from customs duties and storage dues. Damages to the merchandise, if any, shall be taken into account in appraising the depreciation thereby caused. Merchandise can only be removed after the payment of customs duties and storage.

The holding of the goods or the collection of duty shall, in every case, be made the subject of a regular receipt delivered by the officer in charge.

ART. 96. The value of the chief articles of merchandise dutiable in the Moorish customs is to be appraised every year under the conditions specified in the foregoing article by a committee on customs valuations, meeting at Tangier, and consisting of—

1°. Three members appointed by the Moorish Government.

2°. Three members appointed by the Diplomatic Body at Tangier.

3°. One delegate of the State Bank.

4°. One agent of the delegation of the 5 per cent Moroccan loan of 1904.

This committee shall appoint from twelve to twenty honorary members resident in Morocco, whom it shall consult when called upon to determine the value, and whenever it may see fit. These honorary members shall be selected from the lists of notables drawn up in the case of foreign subjects by each legation, and in the case of Moors by the Sultan's representative. They shall be appointed as far as possible in proportion to the importance of the commerce of each nation.

The committee shall be appointed for the term of three years.

The schedule of values fixed by it shall serve as a basis for the appraisals which the administration of Moorish customs shall make in every custom-house. It shall be posted at all custom-houses and in the chanceries of the legations and consulates at Tangier.

The schedule may be revised at the end of six months in case of considerable changes in the values of certain articles.

ART. 97. A permanent committee, to be known as the "Committee of Customs," shall be organized at Tangier and appointed for a term of three years. It shall consist of a special commissioner of His Shereefian Majesty, of a member of the diplomatic or consular body appointed by the Diplomatic Body at Tangier, and of a delegate from the State Bank. It shall be empowered to add to its members, in an advisory capacity, one or more representatives of the customs service.

This committee shall exercise its high supervision over the customs service, and shall have the right to propose to His Shereefian Majesty such measures as are likely to effect improvement in the service and assure the regularity and supervision of operations and collections (landing, shipping, land transportation, handling, the incoming and outgoing of merchandise, storage, appraisal, liquidation and collection of duties). The creation of such a Committee of Customs shall in no way infringe the rights stipulated in favor of the bondholders by articles 15 and 16 in the loan contract of June 12th, 1904.

Instructions to be drawn up by the Committee of Customs and the services interested therein shall determine the details of the enforcement of article 96 and of the present article. They shall be submitted to the advice and consent of the Diplomatic Body.

ART. 98. In custom-houses where sufficient warehouses exist the customs service shall take charge of the disembarked merchandise as soon as it is turned over by the captain of the vessel to the officers in charge of the lighterage, who shall receipt therefor, and until such time as it shall have been regularly cleared from the customs. The customs service is responsible for injuries caused by loss of or damage to merchandise which may be imputed to the fault or negligence of its officers. It is not responsible for damages resulting either from the natural decay of merchandise, or from too lengthy a storage in the warehouse, or from cases of *vis major*.

In custom-houses where there are not sufficient warehouses the agents of the Maghzen are required only to employ such means of preservation as may be at the disposal of the custom-house.

A revision of the storage regulations now in force shall be made under the direction of the Diplomatic Body, whose decisions shall be taken by a majority vote, in concert with the Shereefian Government.

ART. 99. Confiscated merchandise and conveyances shall be sold under direction of the customs service within eight days from the date of final judgment rendered by the competent tribunal.

ART. 100. The net proceeds of the sale of confiscated merchandise and articles become the final property of the State; as to pecuniary fines and compromises thereof, the amount, after deduction of costs

of all kinds, shall be divided between the Shereefian Treasury and those who have participated in the repression of fraud or smuggling:

One-third to be distributed by the customs among the informants,

One-third to the officers who have seized the goods,

One-third to the Moorish Treasury.

If the seizure has been made without the intervention of an informant, one-half the fine shall be awarded to the officers making the seizure and the other half to the Moorish Treasury.

ART. 101. The Moorish customs authorities shall directly inform the diplomatic or consular agents of any violations of this regulation, which may have been committed by those under their jurisdiction, in order that they may be prosecuted before the competent court.

Similar violations by Moorish subjects shall be brought directly by the customs before the Shereefian authority.

A delegate of the customs shall be charged to follow the legal proceedings in cases pending before the several jurisdictions.

ART. 102. Every confiscation, fine, or penalty must be imposed on foreigners by consular jurisdiction, and on Moorish subjects by Shereefian jurisdiction.

ART. 103. In the region bordering on Algeria the enforcement of these regulations shall be the exclusive concern of France and Morocco.

The enforcement of these regulations in the Riff and in general in the regions bordering on the Spanish possessions shall likewise be the exclusive concern of Spain and Morocco.

ART. 104. The provisions of the present regulations, other than those relating to penalties, may be revised by unanimous decision of the Diplomatic Body at Tangier and in accord with the Maghzen, at the expiration of a term of two years from the date of their taking effect.

CHAPTER VI.

A declaration relative to public services and public works.

ART. 105. With a view to assuring the application of the principle of economic liberty without any inequality, the Signatory Powers declare that none of the public services in the Shereefian Empire can be alienated for the advantage of private interests.

ART. 106. In case the Shereefian Government should invoke the aid of foreign capital or foreign industry for the working of public services or for the operation of public works, roads, railways, ports, telegraphs, and other public works, the Signatory Powers reserve to themselves the right to see to it that the authority of the State over these great enterprises of general interest remains entire.

ART. 107. The validity of the concessions which may be made under the terms of article 106, as well as for Government supplies, shall, throughout the Shereefian Empire, be subordinated to the principle of public awards on proposals, without preference of nationality, whenever applicable under the rules followed in foreign laws.

ART. 108. As soon as the Shereefian Government shall have decided to invite proposals for execution of public works, it shall so inform the Diplomatic Body. It shall later communicate to it the plans,

specifications, and all documents annexed to the call for proposals, in order to enable the nationals of all the Signatory Powers to form a clear idea of the contemplated works and compete for the same. A sufficient term for this shall be specified in the call for proposals.

ART. 109. The specifications shall not contain, either directly or indirectly, any condition or provision which may be prejudicial to free competition and which may give advantage to competitors of one nationality over those of another nationality.

ART. 110. The contracts shall be awarded in the form and according to the general conditions prescribed by the regulations which the Shereefian Government shall draw up with the assistance of the Diplomatic Body.

The contracts shall be awarded by the Shereefian Government to the bidder who, while conforming himself to the specifications, shall have submitted the bid fulfilling the most advantageous general conditions.

ART. 111. The rules of articles 106 to 110 shall be applied to concessions for working cork forests, in accordance with the customary provisions in foreign laws.

ART. 112. The Shereefian firman shall determine the conditions of the concessions and the working of mines and quarries. In the composition of this firman the Shereefian Government shall be guided by foreign laws relating to such matters.

ART. 113. If in the cases mentioned in articles 106 to 112 it should become necessary to occupy certain property, its expropriation may be effected by previous payment of a fair indemnity, in conformity to the following rules:

ART. 114. Expropriation can only be effected on the ground of public utility and when necessity for the same shall have been ascertained by any administrative investigation, the formalities of which shall be determined by Shereefian regulations drawn up with the assistance of the Diplomatic Body.

ART. 115. If the property holders are Moorish subjects, His Shereefian Majesty shall take the necessary measures, that no hindrance shall impede the execution of works that he shall have declared to be of public utility.

ART. 116. If the owners are foreigners the method of expropriation shall be as follows:

In case of disagreement between the competent administration and the owner of the property to be expropriated, the indemnity shall be fixed by a special jury, or, if the occasion arises, by arbitration.

ART. 117. This jury shall be composed of six expert appraisers, three to be selected by the owner, three by the administration desiring to expropriate. A majority vote shall rule.

If there be no majority, the owner and the administration shall each appoint an arbitrator, and the two arbitrators shall name an umpire.

In case no agreement can be reached in selecting an umpire he shall be appointed by the Diplomatic Body at Tangier.

ART. 118. The arbitrators shall be selected from a list drawn up at the beginning of each year by the Diplomatic Body, and they shall be selected, as far as possible, from experts not living within the district in which the work is to be carried out.

ART. 119. The owner may appeal from the arbitrators' decision to a competent jurisdiction, and in accordance with the rules set for arbitration cases by the law of the country to which he belongs.

CHAPTER VII.

General provisions.

ART. 120. With a view to harmonizing its legislation, if the occasion arises, with the engagements contracted under the present General Act, each of the Signatory Powers engages to take the necessary steps leading to the enactment of such legislation as may be necessary so far as it is concerned.

ART. 121. The present General Act shall be ratified according to the constitutional laws of each state. The ratifications shall be deposited at Madrid as soon as practicable, and at the latest by December thirty-first, one thousand nine hundred and six.

A procès verbal shall be made of such deposit and a certified copy sent to each of the Signatory Powers through the diplomatic channel.

ART. 122. The present General Act shall enter into effect as soon as all the ratifications shall have been deposited, and at the latest on December thirty-first, one thousand nine hundred and six.

In case the special legislative measures which may be necessary in certain countries to insure the application to their nationals living in Morocco of certain stipulations of this present General Act shall not have been enacted by the date fixed for ratification, these stipulations shall only become applicable in respect to them after the legislative measures above referred to shall have been promulgated.

ART. 123 and last. All treaties, conventions, and arrangements of the Signatory Powers with Morocco remain in force. It is understood, however, that in case of conflict between their provisions and those of the present General Act, the stipulations of the latter shall prevail.

In faith whereof the Delegates Plenipotentiary have signed the present General Act and have affixed their seals thereto.

Done at Algeciras this seventh day of April, one thousand nine hundred and six, in a single copy, which shall remain deposited in the archives of the Government of His Catholic Majesty, and of which certified copies shall be transmitted through the diplomatic channel to the Signatory Powers.

For Germany:

[L. S.] JOSEPH DE RADOWITZ
[L. S.] TATTENBACH

For Austria-Hungary:

[L. S.] WELSERSHEIMB
[L. S.] BOLESTA-KOZIEBRODZKI

For Belgium:

[L. S.] JOOSTENS
[L. S.] COMTE CONRAD DE BUISSERET

For Spain:

[L. S.] EL DUQUE DE ALMODÓVAR DEL RÍO
[L. S.] J. PÉREZ-CABALLERO

For the United States of America, with reservation of the declaration made in the plenary session of the conference on April 7, 1906:

[L. S.] HENRY WHITE
[L. S.] SAMUEL R. GUMMERÉ

For France:

[L. S.] RÉVOIL
[L. S.] REGNAULT

For Great Britain:

[L. S.] A. NICOLSON

For Italy:

[L. S.] VISCONTI VENOSTA
[L. S.] G. MALMUSI

For Morocco:

For the Netherlands:

[L. S.] H. TESTA

For Portugal:

[L. S.] CONDE DE TOVAR
[L. S.] CONDE DE MARTENS FERRAO

For Russia:

[L. S.] CASSINI
[L. S.] BASILE DE BACHERACHT

For Sweden:

[L. S.] ROBERT SAGER

ADDITIONAL PROTOCOL.

On the point of signing the General Act of the Conference of Algeciras, the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden.

Taking into account the declaration of the delegates of Morocco that they were not, for the present, in position to affix their signatures thereto, they being unable, owing to the distance, to receive an early reply from His Shereefian Majesty concerning the points in regard to which they deemed it their duty to refer to Him.

Reciprocally engage, by virtue of their respective full powers, to unite their efforts towards the ratification of the said General Act in its entirety by His Shereefian Majesty and towards the simultaneous enforcement of the reforms therein provided which are interdependent.

They therefore agree to charge His Excellency Mr. Malmusi, Minister of Italy to Morocco and Dean of the Diplomatic Corps at Tangier, to take the necessary steps to that end by calling the attention of His Majesty the Sultan to the great advantages that His Empire would derive from the stipulations adopted at the conference by the unanimous action of the Signatory Powers.

The adhesion given by His Shereefian Majesty to the General Act of the Conference of Algeciras shall be communicated through the Government of His Catholic Majesty to the Governments of the other Signatory Powers. This adhesion shall have the same force as if the

delegates of Morocco had affixed their signatures to the General Act and will take the place of ratification by His Shereefian Majesty.

In witness whereof, the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden have signed the present additional protocol and affixed their seals thereto.

Done at Algeciras on the seventh day of April, one thousand nine hundred and six, in a single copy, which shall remain filed in the archives of the Government of His Catholic Majesty, and of which certified copies shall be delivered to the Signatory Powers through the diplomatic channel.

For Germany:

[L. S.] JOSEPH DE RADOWITZ
[L. S.] TATTENBACH

For Austria-Hungary:

[L. S.] WELSERSHEIMB
[L. S.] BOLESTA-KOZIEBRODZKI

For Belgium:

[L. S.] JOOSTENS
[L. S.] COMTE CONRAD DE BUISSERET

For Spain:

[L. S.] EL DUQUE DE ALMODÓVAR DEL RÍO
[L. S.] J. PÉREZ-CABALLERO

For the United States of America, with reservation of the declaration made in the plenary session of the conference on April 7, 1906:

[L. S.] HENRY WHITE
[L. S.] SAMUEL R. GUMMERÉ

For France:

[L. S.] RÉVOIL
[L. S.] REGNAULT

For Great Britain:

[L. S.] A. NICOLSON

For Italy:

[L. S.] VISCONTI VENOSTA
[L. S.] G. MALMUSI

For Morocco:

For the Netherlands:

[L. S.] H. TESTA

For Portugal:

[L. S.] CONDE DE TOVAR
[L. S.] CONDE DE MARTENS FERRAO

For Russia:

[L. S.] CASSINI
[L. S.] BASILE DE BACHERACHT

For Sweden:

[L. S.] ROBERT SAGER

The said General Act and Additional Protocol were signed by the Plenipotentiaries of the United States of America under reservation of the following declaration:

"The Government of the United States of America, having no political interest in Morocco and no desire or purpose having animated it to take part in this conference other than to secure for all

peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within for the common good, declares that, in acquiescing in the regulations and declarations of the conference, in becoming a signatory to the General Act of Algeciras and to the Additional Protocol, subject to ratification according to constitutional procedure, and in accepting the application of those regulations and declarations to American citizens and interests in Morocco, it does so without assuming obligation or responsibility for the enforcement thereof."

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the general act and an additional protocol, signed on April 7, 1906, by the delegates of the powers represented at the conference which met at Algeciras, Spain, to consider Moroccan affairs.

Resolved further, That the Senate, as a part of this act of ratification, understands that the participation of the United States in the Algeciras conference and in the formation and adoption of the general act and protocol which resulted therefrom, was with the sole purpose of preserving and increasing its commerce in Morocco, the protection as to life, liberty, and property of its citizens residing or traveling therein, and of aiding by its friendly offices and efforts, in removing friction and controversy which seemed to menace the peace between powers signatory with the United States to the treaty of 1880, all of which are on terms of amity with this Government; and without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope.

1906.[a]

INTERNATIONAL RED CROSS CONVENTION. FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED OF THE ARMIES IN THE FIELD.

Concluded July 6, 1906; ratification advised by the Senate December 19, 1906; ratified by the President January 2, 1907; ratification deposited February 9, 1907; proclaimed August 3, 1907.

(The original convention is in the French language. The following translation taken from the President's proclamation.)

ARTICLES.

CHAPTER I.—*The sick and wounded.*

1. Care of the sick and wounded.
2. Prisoners of war; special agreements between belligerents.
3. Duty of belligerent in possession of battlefield.
4. Names and papers of identification.
5. Care of sick and wounded by inhabitants.

[a] Of the signatory Governments no notification of ratification of the convention by the Argentine Republic, Bulgaria, China, France, Greece, Guatemala, Honduras, Montenegro, Peru, Persia, Portugal, Roumania, Sweden, or Uruguay has yet been given by the Swiss Government.

Convention adhered to by Nicaragua, Venezuela, Colombia, Cuba, Paraguay, and Turkey. Turkey's adherence given on the understanding that she may use the emblem of the "Crescent" instead of the "Red Cross."

CHAPTER II.—*Sanitary formations and establishments.*

6. Protection for sanitary formations.
7. When protection to cease.
8. Not deprived of protection for certain acts.

CHAPTER III.—*Personnel.*

9. Respect and protection for personnel.
10. Volunteer aid societies.
11. Consent of government.
12. When in power of enemy.
13. Protection when in enemy's power.

CHAPTER IV.—*Matériel.*

14. Mobile sanitary formations falling into power of enemy.
15. Use of buildings and matériel.
16. Matériel of aid societies.

CHAPTER V.—*Convoys of evacuation.*

17. Special provisions concerning.

CHAPTER VI.—*Distinctive emblem.*

18. The Red Cross.
19. Emblem appearing on flags, etc.
20. Arm badge.
21. Displaying of flag.
22. Sanitary formations of neutral countries to display flag.
23. When Red Cross to be used.

CHAPTER VII.—*Application and execution of the convention.*

24. When convention obligatory.
25. Duty of commanders.
26. Troops and protected personnel to be notified.

CHAPTER VIII.—*Repression of abuses and infractions.*

27. Prohibition of the use of emblem.
28. Legislation to repress wrongful individual acts.

GENERAL PROVISIONS.

29. Ratification.
30. Effect.
31. Convention of 1864 superseded.
32. Signatures.
33. Denunciation.
34. Final protocol.

[Translation.]

CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED IN ARMIES IN THE FIELD.

His Majesty the Emperor of Germany, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Congo Free State; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United Mexican States; the President of the French Re-

public; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of Uruguay,

Being equally animated by the desire to lessen the inherent evils of warfare as far as is within their power, and wishing for this purpose to improve and supplement the provisions agreed upon at Geneva on August 22, 1864, for the amelioration of the condition of the wounded in armies in the field,

Have decided to conclude a new convention to that effect, and have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: His Excellency the Chamberlain and Actual Privy Councilor A. de Bülow, Envoy Extraordinary and Minister Plenipotentiary at Berne, General of Brigade Baron de Manteuffel, Medical Inspector and Surgeon-General Dr. Villaret (with rank of general of brigade), Dr. Zorn, Privy Councilor of Justice, ordinary professor of law at the University of Bonn, Solicitor of the Crown;

His Excellency the President of the Argentine Republic; His Excellency Mr. Enrique B. Moreno, Envoy Extraordinary and Minister Plenipotentiary at Berne, Mr. Molina Salas, Consul-General in Switzerland;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Baron Heidler de Egeregg et Syrgenstein, Actual Privy Councilor, Envoy Extraordinary and Minister Plenipotentiary at Berne;

His Majesty the King of the Belgians: Colonel of Staff Count de T'Serclaes, Chief of Staff of the Fourth Military District;

His Royal Highness the Prince of Bulgaria: Dr. Marin Rousseff, Chief Medical Officer, Captain of Staff Boris Sirmanoff;

His Excellency the President of the Republic of Chile: Mr. Augustin Edwards, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the Emperor of China: His Excellency Mr. Lou Tseng Tsiang, Envoy Extraordinary and Minister Plenipotentiary to the Hague;

His Majesty the King of the Belgians, Sovereign of the Congo Free State: Colonel of Staff Count de T'Serclaes, Chief of staff of the Fourth Military District of Belgium;

His Majesty the Emperor of Corea: His Excellency Mr. Tsunetada Kato, Envoy Extraordinary and Minister Plenipotentiary of Japan to Brussels;

His Majesty the King of Denmark: Mr. Laub, Surgeon-General, Chief of the Medical Corps of the Army;

His Majesty the King of Spain: His Excellency Mr. Silverio de Baguer y Corsi, Count of Baguer, Minister Resident;

The President of the United States of America: Mr. William Cary Sanger, former Assistant Secretary of War of the United States of America, Vice-Admiral Charles S. Sperry, President of the Naval War College, Brigadier-General George B. Davis, Judge-Advocate-General of the Army, Brigadier-General Robert M. O'Reilly, Surgeon-General of the Army;

The President of the United States of Brazil: Dr. Carlos Lemgruber-Kropf, Chargé d'Affaires at Berne, Colonel of Engineers Roberto Trompowski, Leitao d'Almeida, Military Attaché to the Brazilian Legation at Berne;

The President of the United Mexican States: General of Brigade José Maria Perez;

The President of the French Republic: His Excellency Mr. Révoil, Ambassador to Berne, Mr. Louis Renault, Member of the Institute of France, Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Professor in the Faculty of Law at Paris, Colonel Olivier of Reserve Artillery, Chief Surgeon Pauzat of the Second Class;

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India: Major-General Sir John Charles Ardagh, K. C. M. G., K. C. L. E., C. B., Professor Thomas Erskine Holland, K. C., D. C. L., Sir John Furley, C. B., Lieutenant-Colonel William Grant Macpherson, C. M. G., R. A. M. C.;

His Majesty the King of the Hellenes: Mr. Michel Kebedgy, Professor of International Law at the University of Berne;

The President of the Republic of Guatemala: Mr. Manuel Arroyo, Chargé d'Affaires at Paris, Mr. Henri Wiswald, Consul-General to Berne, residing at Geneva;

The President of the Republic of Honduras: Mr. Oscar Hœpfl, Consul-General to Berne;

His Majesty the King of Italy: Marquis Roger Maurigi di Castel Maurigi, Colonel in His Army, Grand Officer of His Royal Order of the SS. Maurice and Lazare, Major-General Giovanni Randone, Military Medical Inspector, Commander of His Royal Order of the Crown of Italy;

His Majesty the Emperor of Japan: His Excellency Mr. Tsunetado Kato, Envoy Extraordinary and Minister Plenipotentiary to Brussels;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: Staff Colonel Count de T'Serclaes, Chief of Staff of the Fourth Military District of Belgium;

His Highness the Prince of Montenegro: Mr. E. Odier, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Russia, Colonel Mürset, Chief Surgeon of the Swiss Federal Army;

His Majesty the King of Norway: Captain Daae, of the Medical Corps of the Norwegian Army;

Her Majesty the Queen of the Netherlands: Lieutenant-General (retired) Jonkheer J. C. C. den Beer Poortugael, Member of the Council of State, Colonel A. A. J. Quanjer, Chief Medical Officer, First Class;

The President of the Republic of Peru: Mr. Gustavo de la Fuente, First Secretary of the Legation of Peru at Paris;

His Imperial Majesty the Shah of Persia: His Excellency Mr. Samad Khan Momtaz-os-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Portugal and of the Algarves, etc.: His Excellency Mr. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, Mr. José Nicolau Raposo-Botelho, Colonel of Infantry, former Deputy, Superintendent of the Royal Military College at Lisbon;

His Majesty the King of Roumania: Dr. Sache Stephanesco, Colonel of Reserve;

His Majesty the Emperor of All the Russias: His Excellency Privy Councilor de Martens, Permanent Member of the Council of the Ministry of Foreign Affairs of Russia;

His Majesty the King of Servia: Mr. Milan St. Markovitch, Secretary-General of the Ministry of Justice, Colonel Dr. Sondermayer, Chief of the Medical Division of the War Ministry;

His Majesty the King of Siam: Prince Charoon, Chargé d'Affaires at Paris, Mr. Corragioni d'Orelli, Counselor of Legation at Paris;

His Majesty the King of Sweden: M. Sörensen, Chief Surgeon of the Second Division of the Army;

The Swiss Federal Council: Mr. E. Odier, Envoy Extraordinary and Minister Plenipotentiary in Russia, Colonel Mürset, Chief Surgeon of the Federal Army;

The President of the Oriental Republic of Uruguay: Mr. Alexandre Herosa, Chargé d'Affaires at Paris,

Who, after having communicated to each other their full powers, found in good and due form, have agreed on the following:

Chapter I.—*The sick and wounded.*

Article 1.

Officers, soldiers, and other persons officially attached to armies, who are sick or wounded, shall be respected and cared for, without distinction of nationality, by the belligerent in whose power they are.

A belligerent, however, when compelled to leave his wounded in the hands of his adversary, shall leave with them, so far as military conditions permit, a portion of the personnel and matériel of his sanitary service to assist in caring for them.

Art. 2.

Subject to the care that must be taken of them under the preceding article, the sick and wounded of an army who fall into the power of the other belligerent become prisoners of war, and the general rules of international law in respect to prisoners become applicable to them.

The belligerents remain free, however, to mutually agree upon such clauses, by way of exception or favor, in relation to the wounded or sick as they may deem proper. They shall especially have authority to agree:

1. To mutually return the sick and wounded left on the field of battle after an engagement.

2. To send back to their own country the sick and wounded who have recovered, or who are in a condition to be transported and whom they do not desire to retain as prisoners.

3. To send the sick and wounded of the enemy to a neutral state, with the consent of the latter and on condition that it shall charge itself with their internment until the close of hostilities.

ART. 3.

After every engagement the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and to protect the wounded and dead from robbery and ill treatment.

He will see that a careful examination is made of the bodies of the dead prior to their interment or incineration.

ART. 4.

As soon as possible each belligerent shall forward to the authorities of their country or army the marks or military papers of identification found upon the bodies of the dead, together with a list of names of the sick and wounded taken in charge by him.

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all objects of personal use, valuables, letters, etc., which are found upon the field of battle, or have been left by the sick or wounded who have died in sanitary formations or other establishments, for transmission to persons in interest through the authorities of their own country.

ART. 5.

Military authority may make an appeal to the charitable zeal of the inhabitants to receive and, under its supervision, to care for the sick and wounded of the armies, granting to persons responding to such appeals special protection and certain immunities.

CHAPTER II.—*Sanitary formations and establishments.*

ART. 6.

Mobile sanitary formations (*i. e.*, those which are intended to accompany armies in the field) and the fixed establishments belonging to the sanitary service shall be protected and respected by belligerents.

ART. 7.

The protection due to sanitary formations and establishments ceases if they are used to commit acts injurious to the enemy.

ART. 8.

A sanitary formation or establishment shall not be deprived of the protection accorded by article 6 by the fact:

1. That the personnel of a formation or establishment is armed and uses its arms in self-defense or in defense of its sick and wounded.

2. That in the absence of armed hospital attendants, the formation is guarded by an armed detachment or by sentinels acting under competent orders.

3. That arms or cartridges, taken from the wounded and not yet turned over to the proper authorities, are found in the formation or establishment.

CHAPTER III.—*Personnel.*

ART. 9.

The personnel charged exclusively with the removal, transportation, and treatment of the sick and wounded, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be considered as prisoners of war.

These provisions apply to the guards of sanitary formations and establishments in the case provided for in section 2 of article 8.

ART. 10.

The personnel of volunteer aid societies, duly recognized and authorized by their own governments, who are employed in the sanitary formations and establishments of armies, are assimilated to the personnel contemplated in the preceding article, upon condition that the said personnel shall be subject to military laws and regulations.

Each state shall make known to the other, either in time of peace or at the opening, or during the progress of hostilities, and in any case before actual employment, the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

ART. 11.

A recognized society of a neutral state can only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own government and the authority of such belligerent. The belligerent who has accepted such assistance is required to notify the enemy before making any use thereof.

ART. 12.

Persons described in articles 9, 10, and 11 will continue in the exercise of their functions, under the direction of the enemy, after they have fallen into his power.

When their assistance is no longer indispensable they will be sent back to their army or country, within such period and by such route as may accord with military necessity. They will carry with them such effects, instruments, arms, and horses as are their private property.

ART. 13.

While they remain in his power, the enemy will secure to the personnel mentioned in article 9 the same pay and allowances to which persons of the same grade in his own army are entitled.

CHAPTER IV.—*Matériel.*

ART. 14.

If mobile sanitary formations fall into the power of the enemy, they shall retain their matériel, including the teams, whatever may be the means of transportation and the conducting personnel. Competent military authority, however, shall have the right to employ it in caring for the sick and wounded. The restitution of the matériel shall take place in accordance with the conditions prescribed for the sanitary personnel, and, as far as possible, at the same time.

ART. 15.

Buildings and matériel pertaining to fixed establishments shall remain subject to the laws of war, but can not be diverted from their use so long as they are necessary for the sick and wounded. Commanders of troops engaged in operations, however, may use them, in case of important military necessity, if, before such use, the sick and wounded who are in them have been provided for.

ART. 16.

The matériel of aid societies admitted to the benefits of this convention, in conformity to the conditions therein established, is regarded as private property and, as such, will be respected under all circumstances, save that it is subject to the recognized right of requisition by belligerents in conformity to the laws and usages of war.

CHAPTER V.—*Convoys of evacuation.*

ART. 17.

Convoys of evacuation shall be treated as mobile sanitary formations subject to the following special provisions:

1. A belligerent intercepting a convoy may, if required by military necessity, break up such convoy, charging himself with the care of the sick and wounded whom it contains.

2. In this case the obligation to return the sanitary personnel, as provided for in article 12, shall be extended to include the entire military personnel employed, under competent orders, in the transportation and protection of the convoy.

The obligation to return the sanitary matériel, as provided for in article 14, shall apply to railway trains and vessels intended for interior navigation which have been especially equipped for evacuation purposes, as well as to the ordinary vehicles, trains, and vessels which belong to the sanitary service.

Military vehicles, with their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and the various means of transportation obtained by requisition, including railway matériel and vessels utilized for convoys, are subject to the general rules of international law.

CHAPTER VI.—*Distinctive emblem.*

ART. 18.

Out of respect to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

ART. 19.

This emblem appears on flags and brassards as well as upon all matériel appertaining to the sanitary service, with the permission of the competent military authority.

ART. 20.

The personnel protected in virtue of the first paragraph of article 9, and articles 10 and 11, will wear attached to the left arm a brassard bearing a red cross on a white ground, which will be issued and stamped by competent military authority, and accompanied by a certificate of identity in the case of persons attached to the sanitary service of armies who do not have military uniform.

ART. 21.

The distinctive flag of the convention can only be displayed over the sanitary formations and establishments which the convention provides shall be respected, and with the consent of the military authorities. It shall be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Red Cross so long as they continue in that situation.

ART. 22.

The sanitary formations of neutral countries which, under the conditions set forth in article 11, have been authorized to render their services, shall fly, with the flag of the convention, the national flag of the belligerent to which they are attached. The provisions of the second paragraph of the preceding article are applicable to them.

ART. 23.

The emblem of the red cross on a white ground and the words *Red Cross* or *Geneva Cross* may only be used, whether in time of peace or war, to protect or designate sanitary formations and establishments, the personnel and matériel protected by the convention.

CHAPTER VII.—*Application and execution of the convention.*

ART. 24.

The provisions of the present convention are obligatory only on the contracting powers, in case of war between two or more of them. The said provisions shall cease to be obligatory if one of the belligerent powers should not be signatory to the convention.

ART. 25.

It shall be the duty of the commanders in chief of the belligerent armies to provide for the details of execution of the foregoing articles, as well as for unforeseen cases, in accordance with the instructions of their respective governments, and conformably to the general principles of this convention.

ART. 26.

The signatory governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this convention and to make them known to the people at large.

CHAPTER VIII.—*Repression of abuses and infractions.*

ART. 27.

The signatory powers whose legislation may not now be adequate engage to take or recommend to their legislatures such measures as may be necessary to prevent the use, by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or name of the Red Cross or Geneva Cross, particularly for commercial purposes by means of trade-marks or commercial labels.

The prohibition of the use of the emblem or name in question shall take effect from time set in each act of legislation, and at the latest five years after this convention goes into effect. After such going into effect, it shall be unlawful to use a trade-mark or commercial label contrary to such prohibition.

ART. 28.

In the event of their military penal laws being insufficient, the signatory governments also engage to take, or to recommend to their legislatures, the necessary measures to repress, in time of war, individual acts of robbery and ill treatment of the sick and wounded

of the armies, as well as to punish, as usurpations of military insignia, the wrongful use of the flag and brassard of the Red Cross by military persons or private individuals not protected by the present convention.

They will communicate to each other through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the ratification of the present convention.

General provisions.

ART. 29.

The present convention shall be ratified as soon as possible. The ratifications will be deposited at Berne.

A record of the deposit of each act of ratification shall be prepared, of which a duly certified copy shall be sent, through diplomatic channels, to each of the contracting powers.

ART. 30.

The present convention shall become operative, as to each power, six months after the date of deposit of its ratification.

ART. 31.

The present convention, when duly ratified, shall supersede the Convention of August 22, 1864, in the relations between the contracting states.

The Convention of 1864 remains in force in the relations between the parties who signed it but who may not also ratify the present convention.

ART. 32.

The present convention may, until December 31, proximo, be signed by the powers represented at the conference which opened at Geneva on June 11, 1906, as well as by the powers not represented at the conference who have signed the Convention of 1864.

Such of these powers as shall not have signed the present convention on or before December 31, 1906, will remain at liberty to accede to it after that date. They shall signify their adherence in a written notification addressed to the Swiss Federal Council, and communicated to all the contracting powers by the said Council.

Other powers may request to adhere in the same manner, but their request shall only be effective if, within the period of one year from its notification to the Federal Council, such Council has not been advised of any opposition on the part of any of the contracting powers.

ART. 33.

Each of the contracting parties shall have the right to denounce the present convention. This denunciation shall only become operative one year after a notification in writing shall have been made to the Swiss Federal Council, which shall forthwith communicate such notification to all the other contracting parties.

This denunciation shall only become operative in respect to the power which has given it.

In faith whereof the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

Pour l'Allemagne:
[L. S.] v. Bülow.
[L. S.] Frhr. v. Manteuffel.
[L. S.] Villaret.
Zorn.

Pour la République Argentine:
[L. S.] Enrique B. Moreno.
[L. S.] Franco. Molina Salas.

Pour l'Autriche-Hongrie:
[L. S.] Frhr. v. Heidler. (*ad referendum*)

Pour la Belgique:
[L. S.] Cte J. de T'Serclaes.

Pour la Bulgarie:
[L. S.] Dr Rousseff.
[L. S.] Capitaine Sirmanoff.

Pour le Chili:
[L. S.] Agustin Edwards.

Pour la Chine:
[L. S.] Loutsengtsiang.

Pour le Congo:
[L. S.] Cte J. de T'Serclaes.

Pour la Corée:
[L. S.] Kato Tsunetada.

Pour le Danemark:
[L. S.] H. Laub.

Pour l'Espagne:
[L. S.] Cte Silverio de Baguer.

Pour les États-Unis d'Amérique:
Wm. Cary Sanger.
[L. S.] C. S. Sperry.
[L. S.] Geo. B. Davis.
[L. S.] R. M. O'Reilly.

Pour les États-Unis du Brésil:
[L. S.] C. Lemgruber-Kropf.
Cel. Roberto Trompowski Leitão d'Almeida.

Pour les États-Unis Mexicains:
[L. S.] José M. Perez (*ad referendum*)

Pour la France:
[L. S.] Révoil.
[L. S.] L. Renault.
[L. S.] S. Olivier.
[L. S.] E. Pauzat.

Pour la Grande-Bretagne et l'Irlande:
[L. S.] John C. Ardagh.
[L. S.] T. E. Holland.
[L. S.] John Furley.
[L. S.] Wm. Grant Macpherson.
(*avec réserve des articles 23, 27, 28*)

Pour la Grèce:
MICHEL KEBEDGY.
Pour le Guatémala:
[L. S.] MANUEL ARROYO.
[L. S.] H. WISWALD.
Pour le Honduras:
OSCAR HŒPFL.
Pour l'Italie:
[L. S.] MAURIGI.
[L. S.] RANDONE.
Pour le Japon:
[L. S.] KATO TSUNETADA.
Pour le Luxembourg:
[L. S.] Cte J. DE T'SERCLAES.
Pour le Montenegro:
[L. S.] E. ODIER.
Colonel MÜRSET.
Pour la Norvège:
HANS DAAE.
Pour les Pays-Bas:
[L. S.] DEN BEER POORTUGAEL.
[L. S.] QUANJER.
Pour le Pérou:
[L. S.] GUSTAVO DE LA FUENTE.
Pour la Perse (*sous réserve de l'article dix-huit*):
[L. S.] MOMTAZ-OS-SALTANEH M. SAMAD KHAN.
Pour le Portugal:
[L. S.] ALBERTO D'OLIVEIRA.
[L. S.] JOSÉ NICOLAU RAPOSO-BOTELHO.
Pour la Roumanie:
[L. S.] Dr SACHE STEPHANESCO.
Pour la Russie:
[L. S.] MARTENS.
Pour la Serbie:
[L. S.] MILAN ST. MARKOVITCH.
[L. S.] Dr ROMAN SONDERMAYER.
Pour le Siam:
[L. S.] CHAROON.
[L. S.] CORRAGIONI D'ORELLI.
Pour la SUÈDE:
[L. S.] OLOF SÖRENSEN.
Pour la Suisse:
[L. S.] E. ODIER.
Colonel MÜRSET.
Pour l'Uruguay:
[L. S.] A. HEROSA.

Pour copie, certifiée conforme, Le Secrétaire du Département politique fédéral,

GRAFFINA.

BERNE, *le 22 août 1906.*

[Translation.]

FINAL PROTOCOL OF THE CONFERENCE FOR THE REVISION OF THE GENEVA CONVENTION.

The Conference called by the Swiss Federal Council, with a view to revising the International Convention of August 22, 1864, for the Amelioration of the Condition of Soldiers wounded in Armies in the field, met at Geneva on June 11, 1906. The Powers hereinbelow enumerated took part in the Conference to which they had designated the delegates hereinbelow named.

ALLEMAGNE

S. E. M. le chambellan et conseiller intime actuel A. de Bülow, envoyé extraordinaire et ministre plénipotentiaire à Berne,
M. le général de brigade baron de Manteuffel,
M. le médecin-inspecteur, médecin général Dr Villaret (avec rang de général de brigade),
M. le Dr Zorn, conseiller intime de justice, professeur ordinaire de droit à l'Université de Bonn, syndic de la couronne.

RÉPUBLIQUE ARGENTINE

S. E. M. Enrique B. Moreno, envoyé extraordinaire et ministre plénipotentiaire à Berne,
M. Molina Salas, consul général en Suisse.

AUTRICHE-HONGRIE

S. E. M. le baron Heidler de Egeregg et Syrgenstein, conseiller intime actuel, envoyé extraordinaire et ministre plénipotentiaire à Berne,
M. le chevalier Joseph d'Uriel, médecin en chef de l'armée impériale et royale austro-hongroise, chef du corps des officiers sanitaires et chef due 14me département du ministère I. et R. de la guerre,
M. Arthur Edler de Mecenseffy, lieutenant-colonel du corps de l'état-major général,

M. le Dr Alfred Schücking, médecin lieutenant-colonel, médecin en chef de la garnison de Salzbourg.

BELGIQUE

M. le colonel d'état-major comte de T'Serclaes, chef d'état-major de la 4me circonscription militaire,
M. de Dr A. Deltenre, médecin de régiment aux carabiniers.

BULGARIE

M. le Dr Marin Rousseff, directeur du service sanitaire,
M. le capitaine d'état-major Boris Sirmanoff.

CHILI

M. Agustin Edwards, envoyé extraordinaire et ministre plénipotentiaire,
M. Charles Ackermann, consul du Chili à Genève.

CHINE

S. E. M. Lou Tseng Tsiang, envoyé extraordinaire et ministre plénipotentiaire à La Haye,
M. Ou Wen Tai, secrétaire de légation à La Haye,
M. Yo Tsao Yeu, secrétaire de la mission spéciale de Chine en Europe.

CONGO

M. le colonel d'état-major comte de T'Serclaes, chef d'état-major de la 4me circonscription militaire de Belgique,
M. le Dr A. Deltenre, médecin de régiment aux carabiniers, de Belgique.

CORÉE

S. E. M. Kato Tsunetada, envoyé extraordinaire et ministre plénipotentiaire du Japon à Bruxelles,

M. Motojiro Akashi, colonel d'infanterie,
M. le Dr en médecine Eijiro Haga, médecin principal de 1re classe (avec rang de colonel),
M. le prince Saneteru Itchijo, capitaine de frégate (rang de lieutenant-colonel),
M. le Dr en droit Masanosuke Akiyama, conseiller au ministère de la guerre du Japon.

DANEMARK

M. Laub, médecin général, chef du corps des médecins de l'armée.

ESPAGNE

S. E. M. Silverio de Baguer y Corsi, comte de Baguer, ministre résident,
Don José Jofre Montojo, colonel d'état-major, aide de camp du ministère de la guerre,
Don Joaquin Cortés Bayona, sous-inspecteur de 1re classe du corps sanitaire militaire.

ÉTATS-UNIS D'AMÉRIQUE

M. William Cary Sanger, ancien sous-secrétaire de la guerre des États-Unis d'Amérique,
M. le contre-amiral Charles-S. Sperry, président de l'école de guerre navale,
M. le général de brigade George-B. Davis, avocat général de l'armée,
M. le général de brigade Robert-M. O'Reilly, médecin général de l'armée.

ÉTATS-UNIS DU BRÉSIL.

M. le Dr Carlos Lemgruber-Kropf, chargé d'affaires à Berne,
M. le colonel du génie Roberto Trompowski Leitão d'Almeida, attaché militaire à la légation des États-Unis du Brésil à Berne.

ÉTATS-UNIS MEXICAINS.

M. le général de brigade José-Maria Pérez.

FRANCE.

S. E. M. Révoil, ambassadeur à Berne,
M. Louis Renault, membre de l'Institut de France, ministre plénipotentiaire, jurisconsulte du ministère des affaires étrangères, professeur à la faculté de droit de Paris.
M. le colonel breveté d'artillerie de réserve Olivier,
M. le médecin principal de 2me classe Pauzat.

GRANDE-BRETAGNE ET IRLANDE.

M. le major général Sir John Charles Ardagh, K. C. M. G., K. C. I. E., C. B.,
M. le professeur Thomas Erskine Holland, K. C., D. C. L.,
Sir John Furley, C. B.,
M. le lieutenant-colonel William Grant MacPherson, C. M. G., R. A. M. C.

GRÈCE.

M. Michel Kebedgy, professeur de droit international à l'Université de Berne.

GUATEMALA.

M. Manuel Arroyo, chargé d'affaires à Paris,
M. Henri Wiswald, consul général à Berne, en résidence à Genève.

HONDURAS.

M. Oscar Hœpfl, consul général à Berne.

ITALIE.

M. le Marquis Roger Maurigi di Castel Maurigi, colonel, grand officier de l'ordre royal des SS. Maurice et Lazare,

M. le major-général médecin Giovanni Randone, inspecteur sanitaire militaire, commandeur de l'ordre royal de la Couronne d'Italie.

JAPON.

S. E. M. Kato Tsunetada, envoyé extraordinaire et ministre plénipotentiaire à Bruxelles,
M. Motojiro Akashi, colonel d'infanterie,
M. le Dr en médecine Eijiro Haga, médecin principal de 1re classe (avec rang de colonel),
M. le prince Saneteru Itchijo, capitaine de frégate (rang de lieutenant-colonel),
M. le Dr en droit Masanosuke Akiyama, conseiller au ministère de la guerre.

LUXEMBOURG.

M. le colonel d'état-major comte de T'Serclaes, chef d'état-major de la 4me circonscription militaire de Belgique,
M. le Dr A. Deltenre, médecin de régiment aux carabiniers, de Belgique.

MONTENEGRO.

M. E. Odier, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse en Russie,
M. le colonel Mürset, médecen en chef de l'armée fédérale suisse.

NICARAGUA.

M. Oscar Hœpfl, consul général de Honduras à Berne.

NORVÈGE.

M. le capitaine Daae, du corps sanitaire de l'armée norvégienne.

PAYS-BAS.

M. le lieutenant-général en retraite Jonkheer J. C. C. den Beer Poortugael, membre du Conseil d'État,

M. le colonel A. A. J. Quanjer, officier de santé en chef de 1re classe.

PÉROU

M. Gustavo de la Fuente, premier secrétaire de la légation du Pérou à Paris.

PERSE

S. E. M. Samad Khan Momtaz-os-Saltaneh, envoyé extraordinaire et ministre plénipotentiaire à Paris.

PORTUGAL

S. E. M. Alberto d'Oliveira, envoyé extraordinaire et ministre plénipotentiaire à Berne,
M. José Nicolau Raposo-Botelho, colonel d'infanterie, ancien député, directeur du Royal collège militaire à Lisbonne.

ROUMANIE

M. le Dr Sache Stephanesco, colonel de réserve.

RUSSIE

S. E. M. le conseiller privé de Martens, membre permanent du conseil du ministère des affaires étrangères de Russie.
M. le général major Yermoloff, de l'état-major général de Russie,
M. le conseiller d'État actuel, Dr en médecine de Hubbenet,
M. le conseiller d'État de Wreden, professeur agrégé à l'Académie impériale de médecine,
M. J. Owtchinnikoff, lieutenant-colonel, professeur de droit international à l'Académie navale de Saint-Pétersbourg,
M. A. Goutchkoff, délégué de la Croix-Rouge.

SERBIE

M. Milan St. Markovitch, secrétaire général du ministère de la justice,

M. le colonel Dr Sondermayer, chef de la division sanitaire au ministère de la guerre.

SIAM

M. le prince Charoon, chargé d'affaires à Paris,
M. Corragioni d'Orelli, conseiller de légation à Paris.

SUÈDE

M. Sörensen, médecin en chef de la 2me division de l'armée.

SUISSE

M. Odier, envoyé extraordinaire et ministre plénipotentiaire en Russie,
M. le colonel Mürset, médecin en chef de l'armée fédérale.

URUGUAY

M. Alexandre Herosa, chargé d'affaires à Paris.

In a series of meetings held from the 11th of June to the 5th of July 1906, the Conference discussed and framed, for the signatures of the Plenipotentiaries, the text of a Convention which will bear the date of July 6, 1906.

In addition, and conformably to Article 16 of the Convention for the peaceful settlement of international disputes, of July 29, 1899, which recognized arbitration as the most effective and at the same time, most equitable means of adjusting differences that have not been resolved through the diplomatic channel, the Conference uttered the following wish:

The Conference expressed the wish that, in order to arrive at as exact as possible an interpretation and application of the Geneva Convention, the Contracting Powers will refer to the Permanent Court at The Hague, if permitted by the cases and circumstances, such differences as may arise among them, in time of peace, concerning the interpretation of the said Convention.

This wish was adopted by the following States:

Germany, Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, Congo, Denmark, Spain (ad referendum), United States of America, United States of Brazil, France, Greece, Guatemala, Honduras, Italy, Luxemburg, Montenegro, Nicaragua, Norway, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland and Uruguay.

The wish was rejected by the following States:

Corea, Great Britain and Japan.

In witness whereof the Delegates have signed the present Protocol.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy which shall be deposited in the archives of the Swiss Confederation and certified copies of which shall be delivered to all the Powers represented at the Conference.

Pour l'Allemagne:
v. Bülow.
Frhr. v. Manteuffel.
Villaret.
Zorn.

Pour la République Argentine:
Enrique B. Moreno.
Franco. Molina Salas.

Pour l'Autriche-Hongrie:
Baron Heidler-Egeregg, d. pl.
Dr Jos. Ritter v. Uriel, G. Lieut., délégué adjoint.
Artur von Mecenseffy, Obstlt., dél. adj.
Dr Alfred Schücking, O. St. A., Garnisonchefarzt von Salzburg, dél. adj.

Pour la Belgique:
Cte J. de T'Serclaes.
Dr A. Deltenre.

Pour la Bulgarie:
Dr Rousseff.
Capitaine Sirmanoff.

Pour le Chili:
Agustin Edwards.
Ch. Ackermann.

Pour la Chine:
Loutsengtsiang.
Ou Wentai.
Yotsaoyeu.

Pour le Congo:
Cte J. de T'Serclaes.
Dr A. Deltenre.

Pour la Corée:
Kato Tsunetada.
Colonel M. Akashi.
Prince Itchijo.
M. Akiyama.

Pour le Danemark:
H. Laub.

Pour l'Espagne:
Cte de Baguér. } (ad referendum.)
José Jofre Montojo. } (ad referendum.)
Joaquin Cortés y Bayona. } (ad referendum.)

Pour les États-Unis d'Amérique:
Wm. Cary Sanger.
C. S. Sperry.
Geo. B. Davis.

R. M. O'Reilly.
Pour les États-Unis du Brésil:
C. Lemgruber-Kropf.
Colonel Roberto Trompowski Leitão d'Almeida.
Pour les États-Unis Mexicains:
José M. Pérez.
Pour la France:
Révoil.
L. Renault.
S. Olivier.
E. Pauzat.
Pour la Grande-Bretagne et l'Irlande:
John C. Ardagh.
T. E. Holland.
John Furley.
W. G. Macpherson.
Pour la Grèce:
Michel Kebedgy.
Pour le Guatémala:
Manuel Arroyo.
H. Wiswald.
Pour le Honduras:
Oscar Hœpfl.
Pour l'Italie:
Maurigi.
G. Randone.
Pour le Japon:
Kato Tsunetada.
Col. M. Akashi.
Prince Itchijo.
M. Akiyama.
Pour le Luxembourg:
Cte J. de T'Serclaes.
Dr A. Deltenre.
Pour le Montenegro:
E. Odier.
Colonel Mürset.
Pour le Nicaragua:
Oscar Hœpfl.
Pour la Norvège:
Hans Daae.
Pour les Pays-Bas:
den Beer Poortugael.
Quanjer.
Pour le Pérou:
Gustavo de la Fuente.
Pour la Perse:
M. Samad Kahn.
Pour le Portugal:
Alberto d'Oliveira.
José Nicolau Raposo-Botelho.

Pour la Roumanie:
Dr Sache Stephanesco.
Pour la Russie:
Martens.
Yermoloff.
V. de Hubbenet.
J. Owtchinnikoff.
Pour la Serbie:
Milan St. Markovitch.
Dr Roman Sondermayer.
Pour le Siam:
Charoon.
Corragioni d'Orelli.
Pour la Suède:
Olof Sörensen.
Pour la Suisse:
E. Odier.
Colonel Mürset.
Pour l'Uruguay:
A. Herosa.

Pour copie, certifiée conforme,
Le Secrétaire de Département politique fédéral,
Graffina.

Berne, *le 22 août 1906.*

1906.

INTERNATIONAL—SPIRITUOUS LIQUORS IMPORTED INTO AFRICA.[a]

Convention, Revising the Duties Imposed by the Brussels Convention of June 8, 1899, on Spirituous Liquors Imported into Certain Regions of Africa.

Concluded November 3, 1906; adherence advised by the Senate February 15, 1907; declaration of adherence by the President February 19, 1907; instrument of adherence deposited with the Government of Belgium May 11, 1907; proclaimed December 2, 1907.

Articles.

I. Advancement of duties.
II. Excise duty on distilled beverages.
III. Duration.
IV. Adherence by nonsignatory powers.
V. Ratification.
VI. Effect.

[Translation.]

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Spain; His Majesty the King-Sovereign of the Independent State of the Congo; The President of the French

[a] Adhered to by Austria-Hungary, Denmark, Norway, and Persia.

Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, etc., etc., His Majesty the Emperor of all the Russias, and His Majesty the King of Sweden;

Wishing to provide for the execution of the clause in Article I of the Convention of June 8, 1889, itself made in execution of Article XCII of the General Act of Brussels, and by virtue of which the import duties on spirits within certain regions of Africa were to be subjected to revision on the basis of results produced by the previous rates;

Have resolved to convene to that effect a Conference at Brussels and have named as their plenipotentiaries, to-wit:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire:

Nicolas, Count of Wallwitz, His Actual Privy Counsellor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Göhring, His Actual Privy Counsellor of Legation.

His Majesty the King of the Belgians:

Mr. Leon Capelle, His Envoy Extraordinary and Minister Plenipotentiary, Director General of Commerce and Consulates at the Ministry of Foreign Affairs; and

Mr. J. Kebers, Director General of Customs and Excise of the Ministry of Finance and Public Works.

Mr. Arturo de Baguer, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

His Majesty the King-Sovereign of the Independent State of the Congo:

Mr. Hubert Droogmans, Secretary General of the Department of Finance of the Independent State of the Congo; and

Mr. A. Mechelynck, Attorney-at-Law near the Court of Appeals of Ghent, Member of the House of Representatives of Belgium;

The President of the French Republic:

Mr. A. Gérard, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians;

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India,

Sir Arthur Hardinge, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. A. Walrond Clarke, Chief of the Department of Africa in the Foreign Office;

Mr. H. J. Read, Chief of the Department of East Africa in the Colonial Office;

His Majesty the King of Italy,

Lelio, Count Bonin Longare, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

Her Majesty the Queen of the Netherlands,

Jonkheer O. D. van der Staal de Piershil, Her Chamberlain, Her Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the King of Portugal and of the Algarves,

Carlos-Cyrillo Machado, Viscount de Santo-Thyrso, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians; and

Mr. Tomaz-Antonio Garcia Rosado, Lieutenant-Colonel on the General Staff, Member of His Council and His Honorary Artillery Officer;

His Majesty the Emperor of all the Russias,

Mr. N. de Giers, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the King of Sweden, Gustave M. M. Baron Falkenberg, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Who, vested with powers in good and due form, have adopted the following provisions:

ARTICLE I.

From the putting into operation of this Convention, the import duty on spirits shall be advanced throughout the zone wherein the prohibition régime contemplated in Article XCI of the General Act of Brussels, to the rate of 100 francs per hectolitre at 50 centesimal degrees.

It is however agreed in regard to Erythrea that the duty may be not more than 70 francs per hectolitre at 50 centesimal degrees, the excess being in a general and continuous way represented by the aggregate of other duties existing in that colony.

The import duty shall be proportionally increased for each degree above 50 centesimal degrees: it may be proportionally decreased for each degree below 50 centesimal degrees.

The Powers retain the right to maintain and advance the tax beyond the minimum fixed by this article in the regions where they now have that right.

ARTICLE II.

As a consequence of Article XCIII of the General Act of Brussels, distilled beverages made within the regions contemplated in Article XCII of the said General Act and intended for consumption therein, shall be subjected to an excise duty.

This excise duty which the Powers engage to collect as far as practicable shall not be less than the minimum import duty fixed by article I of this Convention.

It is however agreed, in regard to Angola, that the Portuguese Government will be at liberty, with a view to effect the gradual and complete transformation of distilleries into sugar factories, to take out of the proceeds of the said 100 francs duty a sum of 30 francs which would be allowed to the producers on condition that they shall, under the Portuguese Government's supervision carry out the said transformation.

If the Portuguese Government should avail itself of this liberty, the number of distilleries in operation and the producing power of each should not be greater than the number and power ascertained on the 31st of October, 1906.

ARTICLE III.

The provisions of this Convention are established for a term of ten years.

At the expiration of that period, the import duty fixed by Article I shall be subject to revision on the basis of the results produced by the preceding rates.

Each one of the Contracting Powers will, however, be at liberty to move the revision of the duty at the expiration of the eighth year.

The Power availing itself of this liberty should give notice of its intention, six months before the said expiration, to the other Powers through the Belgian Government which would then undertake to call the Conference within the above stated term of six months.

Article IV.

It is agreed that the Powers that have signed the General Act of Brussels or adhered thereto and are not represented at this Conference, retain the right of adhering to this Convention.

Article V.

This Convention shall be ratified and the ratification shall be deposited at the Ministry of Foreign Affairs at Brussels with as little delay as possible and in no case shall the term exceed one year.

A certified copy of the procès-verbal of deposit shall be addressed by the Belgian Government to all the Powers concerned.

Article VI.

This Convention shall go into effect in all the possessions of the Contracting Powers within the zone defined by Article XC of the General Act of Brussels on the thirtieth day after that on which the procès-verbal of deposit contemplated in the foregoing article shall have been closed.

From that date, the Convention relative to regulations affecting spirits in Africa, signed at Brussels on the 8th of June, 1889, shall cease and determine.

In witness whereof, the respective Plenipotentiaries have signed this Convention and affixed their seals thereto.

Done in a single copy at Brussels the third day of the month of November one thousand nine hundred and six.

[L. S.]	Signed: Graf von Wallwitz.
[L. S.]	Signed: Göhring.
[L. S.]	Signed: Capelle.
[L. S.]	Signed: Kebers.
[L. S.]	Signed: Arturo de Baguer.
[L. S.]	Signed: H. Droogmans.
[L. S.]	Signed: A. Mechelynck.
[L. S.]	Signed: A. Gérard.
[L. S.]	Signed: Arthur H. Hardinge.
[L. S.]	Signed: A. W. Clarke.
[L. S.]	Signed: H. J. Read.
[L. S.]	Signed: Bonin.
[L. S.]	Signed: van der Staal de Piershil.
[L. S.]	Signed: Santo Thyrso.
[L. S.]	Signed: Garcia Rosado.
[L. S.]	Signed: N. de Giers.
[L. S.]	Signed: Falkenberg.

1906.

AGREEMENT BETWEEN THE UNITED STATES AND OTHER POWERS RESPECTING THE UNIFICATION OF THE PHARMACOPŒIAL FORMULAS FOR POTENT DRUGS.

Signed at Brussels November 29, 1906.

(The agreement is in the French language. The following translation furnished by the Department of State.)

ARTICLES.

I. Designation of enumerated medical substances in the Pharmacopœia.
II. Rules.
III. Adoption of drop-measure.
IV. Nonsignatory powers.
V. Effect.
VI. Denunciation.
Procès-verbal of signature.

[Translation.]

AGREEMENT RESPECTING THE UNIFICATION OF THE PHARMACOPŒIAL FORMULAS FOR POTENT DRUGS.

The Governments of Great Britain, Germany, Austria and Hungary, Belgium, Bulgaria, Denmark, Spain, the United States of America, France, Greece, Italy, the Grand Duchy of Luxemburg, Norway, the Netherlands, Portugal, Russia, Servia, Sweden, and Switzerland, having recognized the utility of concluding an Agreement with a view to the unification of the Pharmacopœial formulas for potent drugs on the basis indicated in the Final Protocol signed on the 20th September, 1902, as a result of the Conference held at Brussels, the Undersigned, duly authorized thereto, have agreed upon the following stipulations:

ARTICLE 1.

The medicinal substances inscribed in the Table given below shall be designated, in the Pharmacopœia published by each of the Contracting Governments, by the Latin names employed in this Table, and shall conform with the directions indicated in the column opposite.

Latin names and synonyms of drugs and preparations.	Pharmaceutical directions.
Aconitum Napellus. L. Aconiti tuber seu Tuber Aconiti	Use only the tuber of the current year, dried. Powdered drug to be used entire, without separation of residue.
Aconiti tinctura seu Tinctura Aconiti	Prepare by percolation with alcohol (70 per cent. by volume). Tincture to be standardized to 0.05 per cent. of total alkaloids.
Atropa Belladonna. L. Belladonnæ folium seu Folium Belladonnæ	Use only the leaf, dried. Powdered drug to be used entire.
Belladonnæ tinctura seu Tinctura Belladonnæ	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).

Latin names and synonyms of drugs and preparations.	Pharmaceutical directions.
Belladonnæ extractum seu Extractum Belladonnæ.	Prepare a solid extract (containing about 10 per cent. of water) by means of alcohol (70 per cent.).
Colchicum autumnale. L.	
Colchici semen seu Semen Colchici	Use only the seed.
Colchici tinctura seu Tinctura Colchici	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Digitalis purpurea. L.	
Digitalis folium seu Folium Digitalis	Use the leaf of the second year. Powdered drug to be used entire.
Digitalis tinctura seu Tinctura Digitalis	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Uragoga Ipecacuanha. *Baill.*	
Ipecacuanhæ radix seu Radix Ipecacuanhæ	Powder only the root-bark, rejecting the woody portion. The powder should have an alkaloidal strength of 2 per cent.
Ipecacuanhæ tinctura seu Tinctura Ipecacuanhæ	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Ipecacuanhæ sirupus seu Sirupus Ipecacuanhæ	Prepare with 10 per cent. of the tincture.
Hyoscyamus niger. L.	
Hyoscyami folium seu Folium Hyoscyami	Use only the leaf.
Hyoscyami tinctura seu Tinctura Hyoscyami	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Hyoscyami extractum seu Extractum Hyoscyami.	Prepare a solid extract (containing about 10 per cent. of water) by means of alcohol (70 per cent.).
Strychnos Nux vomica. L.	
Strychni semen seu Semen Strychni seu Nux vomica.	Alkaloidal strength (of powdered drug) 2.5 per cent.
Strychni tinctura seu Tinctura Strychni; Nucis vomicæ tinctura seu Tinctura Nucis vomicæ.	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.). Alkaloidal strength 0.25 per cent.
Strychni extractum seu Extractum Strychni; Nucis vomicæ extractum seu Extractum Nucis vomicæ.	Prepare by means of alcohol (70 per cent.). Alkaloidal strength 16 per cent.
Opii pulvis seu Pulvis Oppi	Powder to be dried at 60° C. Strength in morphine 10 per cent.
Opii extractum seu Extractum Opii	Strength in morphine 20 per cent.
Opii tinctura seu Tinctura Opii	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.). Strength in morphine 1 per cent.
Opii tinctura crocata seu Tinctura Opii crocata seu Laudanum Sydenhami.	Strength in morphine 1 per cent.
Opii et Ipecacuanhæ pulvis compositus seu Pulvis Doveri.	To contain 10 per cent. of Pulvis Opii.
Opii tinctura benzoica seu Tinctura Opii benzoica	Strength in morphine 0.05 per cent.
Strophanthi tinctura seu Tinctura Strophanthi	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.). Seeds not to be freed from fat.
Sclerotium clavicepitis purpuræ *Tul.* seu Clavicepitis purpuræ *Tul.* Sclerotium.	
Secale cornutum seu Ergotum Secale	Ergot to be not more than one year old, and kept whole.
Secalis cornuti extractum seu Extractum Secalis Cornuti; Ergoti extractum seu Extractum Ergoti.	Prepare a watery extract and make up with alcohol (60 per cent.).
Secalis cornuti extractum fluidum seu Extractum fluidum Secalis cornuti; Ergoti extractum fluidum seu Extractum fluidum Ergoti.	Strength 100 per cent.
Acidum hydrocyanicum dilutum	Strength 2 per cent.
Laurocerasi aqua seu Aqua Laurocerasi	Strength 0.10 per cent.
Amygdalæ amaræ aqua seu Aqua Amygdalæ amaræ.	Strength 0.10 per cent.
Phenoli solutio seu Aqua phenolata	Strength 2 per cent.
Arsenas sodii seu Sodii arsenas; Arsenicicum natrium seu Natrium arsenicicum.	The crystallized salt, containing 36.85 per cent. of arsenic acid.
Arsenicalis liquor Fowleri seu Liquor arsenicalis Fowleri seu Kalii arsenicosi liquor.	Strength in arsenious acid 1 per cent.
Ferri iodidi sirupus seu Sirupus iodeti ferrosi seu Sirupus ferri iodati.	Strength in anhydrous ferrous iodide 5 per cent.
Cantharidis tinctura seu Tinctura Cantharidis	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Iodi tinctura seu Tinctura iodi	Strength 10 per cent. Prepare with alcohol (95 per cent.).
Lobeliæ tinctura seu Tinctura Lobeliæ	Strength 10 per cent. Prepare by percolation with alcohol (70 per cent.).
Cocainum hydrochloricum	The anhydrous salt.
Hydrargyri unguentum seu Unguentum Hydrargyri.	Strength 30 per cent.
Antimoniale vinum seu Vinum antimoniale; Stibiatum vinum seu Vinum stibiatum.	Strength in tartar emetic 0.40 per cent.

ARTICLE 2.

So far as regards substances other than those which appear in the Table contained in Article 1, and which may hereafter be included in the Pharmacopœias, the Contracting Governments undertake that the following rules shall apply:

(*a*) No potent drug shall be directed to be prepared in the form of a medicinal wine (*vinum*);

(*b*) Tinctures of potent drugs shall be directed to be prepared of the strength of 10 per cent. and by percolation.

(*c*) Fluid extracts of potent drugs shall be prepared of the strength of 100 per cent.

ARTICLE 3.

The Contracting Governments shall adopt a normal drop-measure, the external diameter of whose outlet tube shall be exactly 3 millimetres, that is to say, which, at a temperature of 15 degrees centigrade and with distilled water, shall yield 20 drops to the gramme.

ARTICLE 4.

Governments which have not taken part in the present Agreement shall be allowed at their own request to signify their adhesion to it. Such adhesion shall be notified, through the proper diplomatic channel, to the Belgian Government, and by it to the other Signatory Governments.

ARTICLE 5.

The present Agreement shall come into force one month after the date of its signature. It is understood, nevertheless, that the stipulations of Articles 1, 2, and 3 shall not become binding upon any one of the Contracting Parties until the publication of a new issue, or of a supplement, of its Pharmacopœia.

ARTICLE 6.

In case one or other of the Contracting Parties shall denounce the present Agreement, such denunciation shall take effect only so far as regards itself, and then only six months after the day upon which such denunciation shall have been notified to the Belgian Government.

In witness whereof the Undersigned have signed the present Agreement.

Done at Brussels, the 29th November, 1906, in a single instrument, of which an exact copy shall be delivered to each of the Signatory Governments.

[Here follow signatures.]

PROCÈS-VERBAL OF SIGNATURE.

The Undersigned, duly authorized, have met together on the 29th November, 1906, at the Belgian Ministry for Foreign Affairs, in order to proceed to the signature of the Act intended to give diplo-

matic sanction to the Resolutions adopted by the Conference which assembled at Brussels in the month of September 1902, with a view to the unification of the Pharmacopœial formulas for potent drugs.

At the moment of affixing their signatures to the said Act, the Representatives of Germany, Austria-Hungary, the United States of America, Great Britain, Portugal, and Sweden have formulated, in the name of their respective Governments, the following reservations:

I. Reservations formulated by the German Government.[a]—The Imperial Government does not impose upon itself, by the fact of signing the present Agreement, any other obligation beyond that of exercising its influence, when the proper time arrives, that is to say, at the date of the next revision of the German Pharmacopœia, in order to bring the latter into conformity with the present Agreement.

At the same time the Imperial Government reserves to itself the right of introducing into the stipulations of this Agreement any modifications which, on the one hand, appear necessary in order to take account of the progress of medical and pharmaceutical science, and which, on the other hand, may be desirable from the point of view of the unification of the German Pharmacopœia.

II. Reservations formulated by the Austrian Government.—So far as regards *opii pulvis* the Austrian Government reserves to itself the right of permitting the sale of the pure drug containing, as a maximum, 12 per cent. of morphine.

III. Reservations formulated by the Government of the United States of America.—The Government of the United States does not assume, by the fact of signing the present Agreement, any other obligation beyond that of exercising its influence in order that, at the next revision of the American Pharmacopœia, the latter may be brought into harmony with the said Agreement.

IV. Reservations formulated by the Government of His Britannic Majesty.—The Government of His Britannic Majesty declares that it reserves the right of introducing into the stipulations of the present Agreement such modifications in detail as the progress of medical and pharmaceutical science may render necessary from time to time.

The Government of His Britannic Majesty further declares that it reserves the right of adhering to the Agreement, and of denouncing it, with reference to each of the British Colonies or Possessions, separately.

V. Reservations formulated by the Portuguese Government.—The Resolutions of the International Conference held at Brussels for the unification of the Pharmacopœial formulas of potent drugs shall be applied in Portugal. Nevertheless, the vernacular Portuguese name of each substance shall appear in the text of the Pharmacopœia, and shall be adopted as the primary denomination; one of the Latin names inscribed in the Table contained in Article 1 of the present Agreement shall be used as the first synonymous denomination.

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[a] The Government of the Grand Duchy of Luxemburg has declared that Luxemburg, which by arrangement with Germany has adopted the German Pharmacopœia, has signed the Agreement under the Reservations formulated by the German Government.

VI. RESERVATIONS FORMULATED BY THE SWEDISH GOVERNMENT.—1. The denominations of the potent drugs enumerated in the present Agreement, differing entirely from those employed in the Swedish Pharmacopœia, shall not be inscribed in the text itself of that Pharmacopœia, but shall appear in a special supplement to the new issue of the Pharmacopœia which is in course of preparation;

2. The denomination of the medicinal wine *vinum glycyrrhizae opiatum* shall be maintained in Sweden;

3. As the preparation of tinctures of drugs by percolation involves an increase in the price of these products, this method seems not altogether suitable for employment in a general manner.

At the moment of proceeding to the signature of the present *procès-verbal* the Undersigned declare themselves in accord in recognizing that the right referred to in the first reservation formulated by the Government of His Britannic Majesty is acquired by all the Signatory Governments.

It is understood that the Contracting Parties which exercise this right will inform each other, reciprocally, through the intermediary of the Belgian Government, of any modifications introduced into the stipulations of the Agreement.

In witness whereof the Undersigned have drawn up the present *procès-verbal*.

Done at Brussels, the 29th November, 1906, in a single instrument, of which an exact copy shall be delivered to each of the Signatory Governments.

For Germany:
Signed: GRAF VON WALLWITZ.

For Austria-Hungary:
Signed: COMTE CLARY ET ALDRINGEN,
Ministre d'Autriche-Hongrie.

For Belgium:
Signed: FAVEREAU.

For Bulgaria:
Signed: Dr ZOLOTOVITZ.

For Denmark:
Signed: W. GREVENKOP CASTENKIOLD.

For Spain:
Signed: ARTURO DE BAGUER.

For United States of America:
Signed: HENRY LANE WILSON.

For France:
Signed: ETIENNE GANDERAX.

For Great Britain:
Signed: ARTHUR H. HARDINGE.

For Greece:
Signed: A. CHARALAMBY.

For Italy:
Signed: Pce MARIO RUSPOLI DE POGGIO SUASA.

For Luxemburg:
Signed: LE COMTE D'ANSEMBOURG.

For Norway:
Signed: W. CHRISTOPHERSEN.

For the Netherlands:
Signed: VAN DER STAAL VAN PIERSHIL.

For Portugal:
For Russia:
Signed: N. DE GIERS.
For Servia:
Signed: M. BOGHITCHÉVITCH.
For Sweden:
Signed: FALKENBERG.
For Switzerland:
Signed: JULES BOREL.
Certifié conforme:
Le Ministre des Affaires Etrangères de Belgique, Favereau.

1907.[a]

ARRANGEMENT BETWEEN THE UNITED STATES AND OTHER POWERS FOR THE ESTABLISHMENT OF THE INTERNATIONAL OFFICE OF PUBLIC HEALTH.

Concluded December 9, 1907; ratification advised by the Senate February 10, 1908; ratified by the President February 15, 1908; ratification deposited August 1, 1908; proclaimed November 17, 1908.

(The treaty submitted to the Senate and attached to the proclamation is in the French language. The text here printed is from the translation attached to the President's proclamation.)

Concluded at Rome December 9, 1907; ratification advised by the Senate February 10, 1908; ratified by the President February 15, 1908; ratification deposited August 1, 1908; proclaimed November 17, 1908.

ARTICLES.

I. International office of public health.
II. Functions.
III. Distribution of cost.
IV. Deposits.
V. Changes in arrangement.
VI. Nonsignatory powers.
VII. Ratification.
VIII. Duration.

[Translation.]

ARRANGEMENT.

The Governments of Belgium, Brazil, Spain, the United States, the French Republic, Great Britain and Ireland, Italy, the Netherlands, Portugal, Russia, Switzerland, and the Government of His Highness the Khedive of Egypt, deeming it expedient to organize the International Office of Public Hygiene, referred to in the Paris Sanitary Convention of December 3, 1903, have resolved to conclude an arrangement to that effect and agreed upon the following:

ARTICLE I.

The High Contracting Parties engage to found and maintain an International Office of Public Hygiene with headquarters at Paris.

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[a]Adhered to by Mexico, Servia, Peru, India, Sweden, Australia, Persia and Bulgaria.

ARTICLE II.

The Office will perform its functions under the authority and supervision of a Committee composed of delegates of the contracting Governments. The membership and rights and duties of the Committee, as well as the organization and powers of the said Office are determined by the organic by-laws which are annexed to the present arrangement and are considered as forming an integral part thereof.

ARTICLE III.

The costs of installation, as well as the annual expenses for the conduct and maintenance of the Office shall be covered by the quotas of the contracting States determined in accordance with the provisions of the by-laws referred to in Article II.

ARTICLE IV.

The sums representing the quotas of the several contracting States shall be deposited by the said States through the Ministry of Foreign Affairs of the French Republic, at the beginning of every year in the "Caisse des dépôts et consignations" at Paris, from which they shall be drawn as needed against warrants of the Director of the Office.

ARTICLE V.

The High Contracting Parties reserve the right to make, by joint agreement, in the present arrangement any change of which the usefulness shall have been demonstrated by experience.

ARTICLE VI.

Governments that have not signed the present arrangement are, on their request, admitted to adhere thereto. Their adhesion shall be notified, through the diplomatic channel, to the Royal Government of Italy, and, by the latter, to the other Contracting Governments; it will imply a pledge to contribute to the payment of the expenses of the Office in the manner referred to in Article III.

ARTICLE VII.

The present arrangement shall be ratified and the ratifications shall be deposited at Rome as soon as possible; it shall be put into operation from the date on which the deposit of ratifications shall have been effected.

ARTICLE VIII.

The present arrangement is concluded for a term of seven years. At the expiration of that period, it shall continue in force for new periods of seven years between the States that shall not have notified, one year before the expiration of each period, their intention to terminate the effects so far as they are concerned.

In faith whereof the undersigned, duly empowered thereto, have drawn up the present arrangement to which they have affixed their seals.

Done at Rome, the ninth of December one thousand nine hundred and seven, in one copy which shall remain deposited in the archives of the Royal Government of Italy and duly certified copies thereof shall be delivered, through the diplomatic channel, to the contracting Parties.

For Belgium:	E. Beco
	O. Velghe
For Brazil:	Dr. Lgydio de Salles Guerra
	Dr. Henrique de Rocha Lima
For Spain:	Manual de Tolosa Latour
	Pablo Soler
For the United States:	A. M. Laughlin
	R. S. Reynolds Hitt
For France:	Camille Barrere
	J. de Cazotte
	Er. Ronssin
For Great Britain:	Theodore Thomson
	B. Franklin
For Italy:	Rocco Santoliquido
	Adolfo Cotta
For the Netherlands:	H. de Weede
For Portugal:	M. de Carvalho E Vasconsellos
For Russia:	Baron Korff
For Switzerland:	J. B. Pioda
For Egypt:	Ibrahim Neguib
	Marc Armand Ruffer

ANNEX.

ORGANIC BY-LAWS OF THE INTERNATIONAL OFFICE OF PUBLIC HYGIENE.

Article I.

There is established in Paris an International Office of Public Hygiene under the States which accept participation in its operation.

Article II.

The Office cannot in any way meddle in the administration of the several States.

It is independent of the authorities of the country in which it is placed.

It corresponds directly with the higher health authorities of the several countries and with the Boards of Health.[a]

[a] It is understood that the phrase "Boards of Health" applies to the Sanitary Councils of Alexandria, Constantinople, Tangier, Teheran and to any other Councils that may be charged with the duty of enforcing International Sanitary Conventions.

ARTICLE III.

The Government of the French Republic shall, on the application of the International Committee referred to in Article VI, take such steps as may be requisite to have the Office recognized as an institution of public utility.

ARTICLE IV.

The main object of the Office is to collect and bring to the knowledge of the participating States facts and documents of a general character concerning public health and especially regarding infectious diseases, notably the cholera, plague and yellow fever, as well as the measures taken to check these diseases.

ARTICLE V.

The Government shall inform the Office of the measures taken by them towards the enforcement of the international sanitary conventions.

ARTICLE VI.

The Office is placed under the authority and supervision of an International Committee consisting of technical representatives designated by the participating States in the proportion of one representative for each State.

Each State is allowed a number of votes inversely proportioned to the number of the class to which it belongs as regards its participation in the expenses of the Office. (See Article XI.)

ARTICLE VII.

The Committee of the Office meets periodically at least once a year; the length of its sessions is unlimited.

The members of the Committee elect, by secret ballot, a chairman whose term of office shall be three years.

ARTICLE VIII.

The business of the office is conducted by a salaried staff including:

A Director;

A Secretary General,

such force as may be necessary to perform the work of the Office.

The personnel of the Office shall not be permitted to fill any other salaried office.

The Director and Secretary General shall be appointed by the Committee.

The Director shall attend the meetings of the Committee in an advisory capacity.

The appointment and dismissal of employés of all classes appertain to the Director and shall be reported by him to the Committee.

ARTICLE IX.

The information collected by the Office shall be brought to the knowledge of the participant States by means of a Bulletin or of special communications addressed to them either in regular course or at their request.

In addition, the Office shall show periodically the results of its labors in official reports to be communicated to the participating Governments.

ARTICLE X.

The Bulletin, which shall be issued at least once a month, shall include especially:

1. The laws and general or local regulations promulgated in the several countries in regard to contagious diseases;
2. Information concerning the progress of infectious diseases;
3. Information concerning the work done or measures taken toward the sanitation of localities.
4. Statistics concerning public health.
5. Notices of publications.

The official language of the Office and Bulletin shall be the French language. The Committee may order parts of the Bulletin to be published in other languages.

ARTICLE XI.

The expenses necessary for the performance of the duties of the Office, estimated at 150,000 francs per annum, shall be defrayed by the States signatory to the Convention, their quotas being determined according to the following classes:

First class: Brazil, Spain, The United States, France, Great Britain, British India, Italy, Russia, at the rate of 25 units;

Second class, at the rate of 20 units;

Third class, Belgium, Egypt, the Netherlands, at the rate of 15 units;

Fourth class, Switzerland, at the rate of 10 units;

Fifth class, at the rate of 5 units;

Sixth class, at the rate of 3 units;

This sum of 150,000 francs cannot be exceeded except by consent of the signatory Powers.

Every State is at liberty to have itself entered into a higher class at some future time.

The States that may hereafter adhere to the Convention shall select the class in which they wish to be entered.

ARTICLE XII.

A sum intended to form a reserve fund shall be taken from the annual resources. The total sum of said reserve, which cannot exceed the amount of the annual budget, shall be invested in first class State securities.

ARTICLE XIII.

The members of the Committee shall receive, out of the working funds of the Office, an allowance for traveling and other expenses. They shall also receive an attendance counter for each meeting which they attend.

ARTICLE XIV.

The Committee shall fix the amount to be set aside annually from its budget for a fund intended to secure a retirement pension for the Office force.

ARTICLE XV.

The Committee shall draw up its annual estimates and shall approve the account of expenditures. It shall make the organic regulations governing the personnel, as well as all the arrangements necessary for the performance of the duties of the office.

The regulations as well as the arrangements shall be reported by the Committee to the participant States and cannot be modified without their assent.

ARTICLE XVI.

A statement of the financial management of the Office shall be submitted annually to the participant States at the close of the fiscal year.

For Belgium:	E. BECO
	O. VELGHE
For Brazil:	Dr. EGYDIO DE SALLES GUERRA
	Dr. HENRIQUE DE ROCHA LIMA
For Spain:	MANUEL DE TOLOSA LATOUR
	PABLO SOLER
For the United States:	A. M. LAUGHLIN.
	R. S. REYNOLDS HITT
For France:	CAMILLE BARRERE
	J. DE CAZOTTE
	ER. RONSSIN
For Great Britain:	THEODORE THOMSON
	B. FRANKLIN
For Italy:	ROCCO SANTOLIQUIDO
	ADOLFO COTTA
For the Netherlands:	H. DE WEEDE
For Portugal:	M. DE CARVALHO E VASCONCELLOS
For Russia:	BARON KORFF
For Switzerland:	J. B. PIODA
For Egypt:	IBRAHIM NEGUIB
	MARC ARMAND RUFFER

CONVENTIONS CONCLUDED AT THE SECOND INTERNATIONAL PEACE CONFERENCE, HELD AT THE HAGUE, 1907.

I.

1907.[a]

Convention for the Pacific Settlement of International Disputes.

Concluded October 18, 1907; ratification advised by the Senate April 2, 1908; ratified by the President February 23, 1909; ratifications deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

Articles.

Part I.—*Maintenance of general peace.*

I. Pacific settlements of international differences.

Part II.—*Good offices immediation.*

II. Good offices.
III. Offer of mediation.
IV. Mediator.
V. Termination of mediator's duties.
VI. Effect of mediation.
VII. Acceptance of mediation.
VIII. Special mediation; choosing mediators, etc.

Part III.—*International commissions of inquiry.*

IX. Investigations.
X. Special agreement; jurisdiction.
XI. Place of meeting.
XII. Formation.
XIII. Vacancies.
XIV. Special agents; counsels.
XV. Registry.
XVI. Secretary-General.
XVII. Rules.
XVIII. Procedure.
XIX. Hearing.
XX. Temporary places of meeting.
XXI. Investigation.
XXII. Explanations; information.
XXIII. Witnesses, experts, etc.
XXIV. Service of notices.
XXV. Summoning of witnesses.
XXVI. Examination of witnesses.
XXVII. Oral testimony.
XXVIII. Minute of evidence.
XXIX. Concluding statements.
XXX. Decision.
XXXI. Sittings of commission not public.
XXXII. Termination of hearings.
XXXIII. Signature of report.
XXXIV. Reading of report.
XXXV. Effect of report.
XXXVI. Expenses.

[a] The ratifications of this convention were deposited at the Hague November 27, 1909, by Germany, the United States of America, Austria Hungary, China, Denmark, Mexico, The Netherlands, Russia, Sweden, Bolivia, and Salvador.

PART IV.—*International arbitration.*

CHAPTER I.—*The system of arbitration.*

XXXVII. Object.
XXXVIII. Recognition.
XXXIX. Questions considered.
XL. Special arbitration agreements.

CHAPTER II.—*The permanent court of arbitration.*

XLI. Maintenance of permanent court.
XLII. Jurisdiction.
XLIII. International bureau.
XLIV. Personnel of court.
XLV. Selection of arbitrators.
XLVI. Compromise.
XLVII. Disputes between noncontracting powers.
XLVIII. Notice to disputantes.
XLIX. Permanent administrative council.
L. Expenses.

CHAPTER III.—*Arbitration procedure.*

LI. Agreement as to rules.
LII. Compromise.
LIII. Settlement of compromise.
LIV. How settled.
LV. Duties of arbitrator.
LVI. Sovereign as arbitrator.
LVII. Umpire.
LVIII. Arbitration tribunal.
LIX. Vacancy in tribunal.
LX. Place of meeting.
LXI. Language.
LXII. Agents, counsel, etc.
LXIII. Procedure.
LXIV. Exchange of documents.
LXV. Time of meeting.
LXVI. Discussions, minutes.
LXVII. Conclusion of discussions.
LXVIII. New documentary evidence.
LXIX. Production of papers.
LXX. Oral arguments.
LXXI. Objections.
LXXII. Questioning agents.
LXXIII. Interpretation of compromise.
LXXIV. Issuance of rules of procedure.
LXXV. Supplying information.
LXXVI. Service of notices in territory of third power.
LXXVII. Conclusion of discussion.
LXXVIII. Consideration of decision.
LXXIX. Award.
LXXX. Reading of award.
LXXXI. Finality of award.
LXXXII. Interpretation of award.
LXXXIII. Revision of award.
LXXXIV. Award, on whom binding.
LXXXV. Expenses.

CHAPTER IV.—*Arbitration by summary procedure.*

LXXXVI. Rules.
LXXXVII. Selection of arbitrators.
LXXXVIII. Submission of cases.
LXXXIX. Agents.
XC. Procedure.

PART V.—*Final provisions.*

XCI. Ratification.
XCII. Time of ratification.
XCIII. Nonsignatory powers.
XCIV. Conditions of adherence.
XCV. Effect.
XCVI. Denunciation.
XCVII. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty

the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes: the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Perú; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperior of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council: His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Tribunal of Arbitration accessible to all, in the midst of independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an International Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous, with this object, of insuring the better working in practice of Commissions of Inquiry and Tribunals of Arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;

The High Contracting Parties have resolved to conclude a new Convention for this purpose, and have appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de léga-

[a] The names of Plenipotentiaries in President's proclamation appear in French only.

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse—Continued.
tion et jurisconsulte au ministère Impérial des agaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:
Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;
Son Excellence M. Horace Porter, ambassadeur extraordinaire;
Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;
Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;
M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;
M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;
M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:
Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;
Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:
Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

Sa Majesté le roi des Belges:
Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'Institut de France et des Académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;
Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;
Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:
Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;
Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur-général de la cour de cassation.
Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Aires.
Sa Majesté l'Empereur de Chine:
Son Excellence M. Lou-Tseng-Tsiang, Son ambassadeur extraordinaire; Son Excellence M. Tsien-Sun, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.
Le Gouverneur Provisoire de la République de Cuba:
M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;
Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.
Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.
Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.
Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y de Alsúa, chargé d'affaires.
Sa Majesté le Roi d'Espagne:
Son Excellence M. W. R. de Villa-Urrutia, sénateur, ancien ministre des affaires étrangères, Son ambassadeur extraordinaire et plénipotentiaire à Londres;
Son Excellence M. José de la Rica y Calvo, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
M. Gabriel Maura y Gamazo, comte de Mortera, député aux Cortès.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'Institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du Royaume-Uni de Grande Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre du conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

Sa Majesté le Roi d'Italie:
Son Excellence le Comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne.
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;

Sa Majesté le Roi d'Italie—Continued.
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.
Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du Gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.
Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.
Son Altesse Royale le Prince de Monténégro:
Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;
Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;
Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.
Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour permanente d'arbitrage.
Le Président de la République de Panama:
M. Belisario Porras.
Le Président de la République du Paraguay:
Son Excellence E. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.
Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;

Sa Majesté la Reine des Pays-Bas—Continued.
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.
Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.
Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté le Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.
Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à la Haye.
Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, Son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.
Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.

Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjold, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.
Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état major-général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Batlle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage.
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.
Le Président des Etats-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:—

Part I.—*The Maintenance of General Peace.*

Article I.

With a view to obviating as far as possible recourse to force in the relations between States, the Contracting Powers agree to use their best efforts to ensure the pacific settlement of international differences.

Part II.—*Good Offices and Mediation.*

Article II.

In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers, agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

Article III.

Independently of this recourse, the Contracting Powers deem it expedient and desirable that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances

may allow, offer their good offices or mediation to the States at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

Article IV.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

Article V.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

Article VI.

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of Powers strangers to the dispute have exclusively the character of advice, and never have binding force.

Article VII.

The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement to the contrary.

Article VIII.

The Contracting Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:—

In case of a serious difference endangering peace, the States at variance choose respectively a Power, to which they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the States in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

PART III.—*International Commissions of Inquiry.*

ARTICLE IX.

In disputes of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Contracting Powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE X.

International Commissions of Inquiry are constituted by special agreement between the parties in dispute.

The Inquiry Convention defines the facts to be examined; it determines the mode and time in which the Commission is to be formed and the extent of the powers of the Commissioners.

It also determines, if there is need, where the Commission is to sit, and whether it may remove to another place, the language the Commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint Assessors, the Convention of Inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE XI.

If the Inquiry Convention has not determined where the Commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, cannot be altered by the Commission except with the assent of the parties.

If the Inquiry Convention has not determined what languages are to be employed, the question shall be decided by the Commission.

ARTICLE XII.

Unless an undertaking is made to the contrary, Commissions of Inquiry shall be formed in the manner determined by Articles XLV and LVII of the present Convention.

ARTICLE XIII.

Should one of the Commissioners or one of the Assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE XIV.

The parties are entitled to appoint special agents to attend the Commission of Inquiry, whose duty it is to represent them and to act as intermediaries between them and the Commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the Commission.

ARTICLE XV.

The International Bureau of the Permanent Court of Arbitration acts as registry for the Commissions which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the Commission of Inquiry.

ARTICLE XVI.

If the Commission meets elsewhere than at The Hague, it appoints a Secretary-General, whose office serves as registry.

It is the function of the registry, under the control of the President, to make the necessary arrangements for the sittings of the Commission, the preparation of the Minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE XVII.

In order to facilitate the constitution and working of Commissions of Inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE XVIII.

The Commission shall settle the details of the procedure not covered by the special Inquiry Convention or the present Convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE XIX.

On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the Commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE XX.

The Commission is entitled, with the assent of the Powers, to move temporarily to any place where it considers it may be useful to have

recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the State on whose territory it is proposed to hold the inquiry.

Article XXI.

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

Article XXII.

The Commission is entitled to ask from either party for such explanations and information as it considers necessary.

Article XXIII.

The parties undertake to supply the Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the Commission.

If the witnesses or experts are unable to appear before the Commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

Article XXIV.

For all notices to be served by the Commission in the territory of a third Contracting Power, the Commission shall apply direct to the Government of the said power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They cannot be rejected unless the Power in question considers they are calculated to impair its sovereign rights or its safety.

The Commission will equally be always entitled to act through the Power on whose territory it sits.

Article XXV.

The witnesses and experts are summoned on the request of the parties or by the Commission of its own motion, and, in every case, through the Government of the State in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the Commission.

ARTICLE XXVI.

The examination of witnesses is conducted by the President.

The members of the Commission may however put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the President to put such additional questions to the witness as they think expedient.

ARTICLE XXVII.

The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the President to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE XXVIII.

A Minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE XXIX.

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the Commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE XXX.

The Commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the Commission.

If a member declines to vote, the fact must be recorded in the Minutes.

ARTICLE XXXI.

The sittings of the Commission are not public, nor the Minutes and documents connected with the inquiry published except in virtue of a decision of the Commission taken with the consent of the parties.

ARTICLE XXXII.

After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the President declares the inquiry terminated, and the Commission adjourns to deliberate and to draw up its Report.

ARTICLE XXXIII.

The Report is signed by all the members of the Commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the Report is not affected.

ARTICLE XXXIV.

The Report of the Commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the Report is given to each party.

ARTICLE XXXV.

The Report of the Commission is limited to a statement of facts, and has in no way the character of an Award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE XXXVI.

Each party pays its own expenses and an equal share of the expenses incurred by the Commission.

PART IV.—*International Arbitration.*

CHAPTER I.—*The System of Arbitration.*

ARTICLE XXXVII.

International arbitration has for its object the settlement of disputes between States by Judges of their own choice and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the Award.

ARTICLE XXXVIII.

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Contracting Powers as the most effective, and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the Contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

ARTICLE XXXIX.

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE XL.

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Contracting Powers, the

said Powers reserve to themselves the right of concluding new Agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II.—*The Permanent Court of Arbitration.*

ARTICLE XLI.

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present Convention.

ARTICLE XLII.

The Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ARTICLE XLIII.

The Permanent Court sits at The Hague.

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business.

The Contracting Powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arrived at between them and of any Award concerning them delivered by a special Tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the Awards given by the Court.

ARTICLE XLIV.

Each Contracting Power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrator.

The persons thus selected are inscribed, as members of the Court, in a list which shall be notified to all the Contracting Powers by the Bureau.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Contracting Powers.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers. The members of the Court are appointed for a term of six years. These appointments are renewable.

Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case the appointment is made for a fresh period of six years.

Article XLV.

When the Contracting Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the Arbitrators called upon to form the Tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:—

Each party appoints two Arbitrators, of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court. These Arbitrators together choose an Umpire.

If the votes are equally divided, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

If, within two months' time, these two Powers cannot come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be Umpire.

Article XLVI.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, the text of their "Compromis,"[a] and the names of the Arbitrators.

The Bureau communicates without delay to each Arbitrator the "Compromis," and the names of the other members of the Tribunal.

The Tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

The members of the Tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

Article XLVII.

The Bureau is authorized to place its offices and staff at the disposal of the Contracting Powers for the use of any special Board of Arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between non-Contracting Powers or between Contracting Powers and non-Contracting Powers, if the parties are agreed on recourse to this Tribunal.

Article XLVIII.

The Contracting Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

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[a] The preliminary Agreement in an international arbitration defining the point at issue and arranging the procedure to be followed.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two Powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other Power of the declaration.

Article XLIX.

The Permanent Administrative Council, composed of the Diplomatic Representatives of the Contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedure and all other necessary regulations.

It decides all questions of administration which may arise with regard to the operations of the Court.

It has entire control over the appointment, suspension, or dismissal of the officials and employés of the Bureau.

It fixes the payments and salaries, and controls the general expenditure.

At meetings duly summoned the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Contracting Powers without delay the regulations adopted by it. It furnishes them with an annual Report on the labours of the Court, the working of the administration, and the expenditure. The Report likewise contains a résumé of what is important in the documents communicated to the Bureau by the Powers in virtue of Article XLIII, paragraphs 3 and 4.

Article L.

The expenses of the Bureau shall be borne by the Contracting Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering Powers shall be reckoned from the date on which their adhesion comes into force.

Chapter III.—*Arbitration Procedure.*

Article LI.

With a view to encouraging the development of arbitration, the Contracting Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

Article LII.

The Powers which have recourse to arbitration sign a "Compromis," in which the subject of the dispute is clearly defined, the time

allowed for appointing Arbitrators, the form, order, and time in which the communication referred to in Article LXIII must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.

The "Compromis" likewise defines, if there is occasion, the manner of appointing Arbitrators, any special powers which may eventually belong to the Tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.

ARTICLE LIII.

The Permanent Court is competent to settle the "Compromis," if the parties are agreed to have recourse to it for the purpose.

It is similarly competent, even if the request is only made by one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:—

1. A dispute covered by a general Treaty of Arbitration concluded or renewed after the present Convention has come into force, and providing for a "Compromis" in all disputes and not either explicitly or implicitly excluding the settlement of the "Compromis" from the competence of the Court. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the Treaty of Arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the "Compromis" should be settled in some other way.

ARTICLE LIV.

In the cases contemplated in the preceding Article, the "Compromis" shall be settled by a Commission consisting of five members selected in the manner arranged for in Article XLV, paragraphs 3 to 6.

The fifth member is President of the Commission *ex officio*.

ARTICLE LV.

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Convention.

Failing the constitution of the Tribunal by direct agreement between the parties, the course referred to in Article XLV, paragraphs 3 to 6, is followed.

ARTICLE LVI.

When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitration procedure is settled by him.

ARTICLE LVII.

The Umpire is President of the Tribunal *ex officio*.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE LVIII.

When the "Compromis" is settled by a Commission, as contemplated in Article LIV, and in the absence of an agreement to the contrary, the Commission itself shall form the Arbitration Tribunal.

ARTICLE LIX.

Should one of the Arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE LX.

The Tribunal sits at The Hague, unless some other place is selected by the parties.

The Tribunal can only sit in the territory of a third Power with the latter's consent.

The place of meeting once fixed cannot be altered by the Tribunal, except with the consent of the parties.

ARTICLE LXI.

If the question as to what languages are to be used has not been settled by the "Compromis," it shall be decided by the Tribunal.

ARTICLE LXII.

The parties are entitled to appoint special agents to attend the Tribunal to act as intermediaries between themselves and the Tribunal.

They are further authorized to retain for the defence of their rights and interests before the Tribunal counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the Power which appointed them members of the Court.

ARTICLE LXIII.

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the Tribunal and the opposite party of cases, counter-cases, and; if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the "Compromis."

The time fixed by the "Compromis" may be extended by mutual agreement by the parties, or by the Tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussions consist in the oral development before the Tribunal of the arguments of the parties.

ARTICLE LXIV.

A certified copy of every document produced by one party must be communicated to the other party.

ARTICLE LXV.

Unless special circumstances arise, the Tribunal does not meet until the pleadings are closed.

ARTICLE LXVI.

The discussions are under the control of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the Secretaries appointed by the President. These minutes are signed by the President and by one of the Secretaries and alone have an authentic character.

ARTICLE LXVII.

After the close of the pleadings, the Tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

ARTICLE LXVIII.

The Tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

ARTICLE LXIX.

The Tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the Tribunal takes note of it.

ARTICLE LXX.

The agents and the counsel of the parties are authorized to present orally to the Tribunal all the arguments they may consider expedient in defence of their case.

ARTICLE LXXI.

They are entitled to raise objections and points. The decisions of the Tribunal on these points are final and cannot form the subject of any subsequent discussion.

ARTICLE LXXII.

The members of the Tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the Tribunal in the course of the discussions, can be regarded as an expression of opinion by the Tribunal in general or by its members in particular.

ARTICLE LXXIII.

The Tribunal is authorized to declare its competence in interpreting the "Compromis," as well as the other Treaties which may be invoked, and in applying the principles of law.

ARTICLE LXXIV.

The Tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE LXXV.

The parties undertake to supply the Tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE LXXVI.

For all notices which the Tribunal has to serve in the territory of a third Contracting Power, the Tribunal shall apply direct to the Government of that Power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the Power applied to under its municipal law allow. They cannot be rejected unless the Power in question considers them calculated to impair its own sovereign rights or its safety.

The Court will equally be always entitled to act through the Power on whose territory it sits.

ARTICLE LXXVII.

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case the President shall declare the discussion closed.

ARTICLE LXXVIII.

The Tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the Tribunal.

ARTICLE LXXIX.

The Award must give the reasons on which it is based. It contains the names of the Arbitrators; it is signed by the President and Registrar or by the Secretary acting as Registrar.

ARTICLE LXXX.

The Award is read out in public sitting. the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE LXXXI.

The Award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

ARTICLE LXXXII.

Any dispute arising between the parties as to the interpretation and execution of the Award shall, in the absence of an Agreement to the contrary, be submitted to the Tribunal which pronounced it.

ARTICLE LXXXIII.

The parties can reserve in the "Compromis" the right to demand the revision of the Award.

In this case and unless there be an Agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the Award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the Award and which was unknown to the Tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The "Compromis" fixes the period within which the demand for revision must be made.

ARTICLE LXXXIV.

The Award is not binding except on the parties in dispute.

When it concerns the interpretation of a Convention to which Powers other than those in dispute are parties, they shall inform all the Signatory Powers in good time. Each of these Powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the Award is equally binding on them.

ARTICLE LXXXV.

Each party pays its own expenses and an equal share of the expenses of the Tribunal.

CHAPTER IV.—*Arbitration by Summary Procedure.*

ARTICLE LXXXVI.

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the Contracting Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of Chapter III apply so far as may be.

ARTICLE LXXXVII.

Each of the parties in dispute appoints an Arbitrator. The two Arbitrators thus selected choose an Umpire. If they do not agree on this point, each of them proposes two condidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the Umpire is determined by lot.

The Umpire presides over the Tribunal, which gives its decisions by a majority of votes.

ARTICLE LXXXVIII.

In the absence of any previous agreement the Tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

ARTICLE LXXXIX.

Each party is represented before the Tribunal by an agent, who serves as intermediary between the Tribunal and the Government who appointed him.

ARTICLE XC.

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The Tribunal has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in Court it may consider useful.

PART V.—*Final Provisions.*

ARTICLE XCI.

The present Convention, duly ratified, shall replace, as between the Contracting Powers, the Convention for the Pacific Settlement of International Disputes of the 29th July, 1899.

ARTICLE XCII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to those Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the Powers of the date on which it received the notification.

ARTICLE XCIII.

Non-Signatory Powers which have been invited to the Second Peace Conference may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XCIV.

The conditions on which the Powers which have not been invited to the Second Peace Conference may adhere to the Present Convention shall form the subject of a subsequent Agreement between the Contracting Powers.

ARTICLE XCV.

The present Convention shall take effect, in the case of the Powers which were not a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XCVI.

In the event of one of the Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

Article XCVII.

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of Article XCII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XCIII, paragraph 2) or of denunciation (Article XCVI, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

1. Pour l'Allemagne:	Marschall. Kriege.
2. Pour les Etats Unis d'Amérique: Sous réserve de la Déclaration faite dans la séance plénière de la Conférence du 16 octobre 1907.	Joseph H. Choate. Horace Porter. U. M. Rose. David Jayne Hill. C. S. Sperry. William I. Buchanan.
3. Pour l'Argentine:	Roque Saenz Peña. Luis M. Drago. C. Rúez Larreta.
4. Pour l'Autriche-Hongrie:	Mérey. Bon Macchio.
5. Pour la Belgique:	A. Beernaert. J. Van den Heuvel. Guillaume.
6. Pour la Bolivie:	Claudio Pinilla.
7. Pour le Brésil: Avec réserve sur l'article 53, alinéas 2, 3 et 4.	Ruy Barbosa.
8. Pour la Bulgarie:	Général-Major Vinaroff. Iv. Karandjouloff.
9. Pour le Chili: Sous la réserve de la déclaration formulée à propos de l'article 39 dans la septième séance du 7 octobre de la première Commission.	Domingo Gana. Augusto Matte. Carlos Concha.
10. Pour la Chine:	Lou Tseng-tsiang. Tsien-sun.
11. Pour la Colombie:	Jorge Holguin. S. Perez Triana. M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante. Gonzalo de Quesada. Manuel Sanguily.
13. Pour le Danemark:	C. Brun.

14. Pour la République Dominicaine:	DR. HENRIQUEZ Y CARVAJAL.
	APOLINAR TEJERA.
15. Pour l'Equateur:	VICTOR M. RENDON.
	E. DORN Y DE ALSÚA.
16. Pour l'Espagne:	W. R. DE VILLA URRUTIA.
	JOSÉ DE LA RICA Y CALVO.
	GABRIEL MAURA.
17. Pour la France:	LÉON BOURGEOIS.
	D'ESTOURNEILES DE CONSTANT.
	L. RENAULT.
	MARCELLIN PELLET.
18. Pour la Grande-Bretagne:	EDW. FRY.
	ERNEST SATOW.
	REAY.
	HENRY HOWARD.
19. Pour la Grèce. Avec la réserve de l'alinéa 2 de l'article 53.	CLÉON RIZO RANGABÉ.
	GEORGES STREIT.
20. Pour le Guatémala:	JOSÉ TIBLE MACHADO.
21. Pour le Haïti:	DALBÉMAR JN JOSEPH.
	J. N. LÉGER.
	PIERRE HUDICOURT.
22. Pour l'Italie:	POMPILJ.
	G. FUSINATO.
23. Pour le Japon. Avec réserve des alinéas 3 et 4 de l'article 48, de l'alinéa 2 de l'article 53 et de l'article 54.	AIMARO SATO.
24. Pour le Luxembourg:	EYSCHEN.
	CTE. DE VILLERS.
25. Pour la Mexique:	G. A. ESTEVA.
	S. B. DE MIER.
	F. L. DE LA BARRA.
26. Pour le Monténégro:	NELIDOW.
	MARTENS.
	N. TCHARYKOW.
27. Pour le Nicaragua.	
28. Pour la Norvège:	F. HAGERUP.
29. Pour le Panama:	B. PORRAS.
30. Pour le Paraguay:	J. DU MONCEAU.
31. Pour les Pays-Bas:	W. H. DE BEAUFORT.
	T. M. C. ASSER.
	DEN BEER POORTUGAEL.
	J. A. ROELL.
	J. A. LOEFF.
32. Pour le Pérou:	C. G. CONDAMO.
33. Pour la Perse:	MOMTAZOS-SALTANEH M. SAMAD KHAN.
	SADIGH UL MULK M. AHMED KHAN.
34. Pour le Portugal:	Marquis DE SOVERAL.
	Conde DE SÉLIR.
	ALBERTO D'OLIVEIRA.

35. Pour la Roumanie. Avec les mêmes réserves formulées par les Plénipotentiaires Roumains à la signature de la Convention pour le Règlement pacifique des conflits internationaux du 29 juillet 1899.	Edg. Mavrocordato.
36. Pour la Russie:	Nelidow. Martens. N. Tcharykow.
37. Pour le Salvador:	P. J. Matheu. S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch. M. G. Milovanovitch. M. G. Militchevitch.
39. Pour le Siam:	Mom Chatidej Udom. C. Corragioni d'Orelli. Luang Bhüvanarth Narübal.
40. Pour la Suède:	Joh. Hellner.
41. Pour le Suisse. Sous réserve de l'article 53, chiffre 2°.	Carlin.
42. Pour la Turquie. Sous réserve des déclarations portées au procès verbal de la 9e séance plénière de la Conférence du 16 octobre 1907.	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordoñez.
44. Pour le Venézuéla:	J. Gil Fortoul.

RESOLUTION OF RATIFICATION BY THE SENATE OF THE CONVENTION FOR THE SETTLEMENT OF INTERNATIONAL DISPUTES, SIGNED AT THE HAGUE, 1907.

April 2, 1908.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the Second International Peace Conference, held at The Hague from June sixteenth to October eighteenth, nineteen hundred and seven, for the pacific settlement of international disputes, subject to the declaration made by the delegates of the United States before signing said convention, namely:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

Resolved further, as a part of this act of ratification, That the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbi-

tration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in article fifty-three of said convention, to exclude the formulation of the "compromis" by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the "compromis" required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the "compromis" required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise.

II.

1907.[a]

Convention Respecting the Limitation of the Employment of Force for the Recovery of Contract Debts.

Concluded October 18, 1907; ratification advised by the Senate April 17, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherland Government November 27, 1909; proclaimed February 28, 1910.

Articles.

I. Recourse to armed force.
II. Procedure.
III. Ratification.
IV. Nonsignatory powers.
V. When to come into force.
VI. Denunciation.
VII. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; the President of the Republic of Bolivia; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, the United States of America, Austria-Hungary, Denmark, Great Britain, Mexico, the Netherlands, Russia, and Salvador. Adhered to by China.

the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uraguay:

Being desirous of avoiding between nations armed conflicts of a pecuniary origin arising from contract debts which are claimed from the Government of one country by the Government of another country as due to its nationals, have resolved to conclude a Convention to this effect, and have appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:

Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;

Son Excellence M. Horace Porter, ambassadeur extraordinaire;

Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;

Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;

M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;

M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;

M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:

Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:

Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son Ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

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[a] The names of Plenipotentiaries in the President's proclamation appear in French only.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.
Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur général de la cour de cassation.
Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.
Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.
Le Gouverneur Provisoire de la République de Cuba:
M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;
Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.
Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.
Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.
Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y Alsúa, chargé d'affaires.
Sa Majesté le Roi d'Espagne:
Son Excellence M. W. R. de Villa-Urrutia, sénateur, ancien ministre des affaires étrangères, Son ambassadeur-extraordinaire et plénipotentiaire à Londres;
Son Excellence M. José de la Rica y Calvo, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;

Sa Majesté le Roi d'Espagne—Continued.
M. Gabriel Maura y Gamazo, comte de la Mortera, député aux Cortès.
Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.
Sa Majesté le Roi du Royaume-Uni de Grande Bretagne et d'Irlande et des Territories Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay, Baron Reay, G. C. S. I., G. C. I. E., membre du conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.
Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.
Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre pléenipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.
Sa Majesté le Roi d'Italie:
Son Excellence le comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne;

Sa Majesté le Roi d'Italie—Continued.
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.

Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.

Son Altesse Royale le Prince de Monténégro:
Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;
Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;
Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.

Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour permanente d'arbitrage.

Le Président de la République de Panama:
M. Belisario Porras.

Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.

Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.

Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.
Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Montazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté le Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.
Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, Son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.
Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Battle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage;

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

The Contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any "Compromis" from being agreed on, or, after the arbitration, fails to submit to the award.

ARTICLE II.

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing Article shall be subject to the procedure laid down in Part IV, Chapter III, of The Hague Convention for the Pacific Settlement of International Disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

ARTICLE III.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE IV.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall forward immediately to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE V.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE VI.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE VII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article III, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article IV, paragraph 2) or of denunciation (Article VI, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to the Contracting Powers through the diplomatic channel.

1. Pour l'Allemagne:	MARSCHALL. KRIEGE.
2. Pour les Etats-Unis d'Amérique:	JOSEPH H. CHOATE. HORACE PORTER. U. M. ROSE. DAVID JAYNE HILL. C. S. SPERRY. WILLIAM I. BUCHANAN.
3. Pour l'Argentine. La République Argentine fait les réserves suivantes: 1°. en ce qui concerne les dettes provenant de contrats ordinaires entre le ressortissant d'une nation et un gouvernement étran-	LUIS M. DRAGO. ROQUE SAENZ PEÑA. C. RÚEZ LARRETA.

ger, on n'aura recours à l'arbitrage que dans le cas spécifique de déni de justice par les juridictions du pays du contrat, qui doivent être préalablement épuisées. 2°. les emprunts publics, avec émissions de bons, constituant la dette nationale, ne pourront donner lieu, en aucun cas, à l'agression militaire ni à l'occupation matérielle du sol des nations américaines.	
4. Pour l'Autriche-Hongrie:	Mérey. Bon Macchio.
5. Pour la Belgique:	
6. Pour la Bolivie. Sous la réserve exprimée à la Première Commission.	Claudio Pinilla.
7. Pour le Brésil:	
8. Pour la Bulgarie:	Général-Major Vinaroff. Iv. Karandjouloff.
9. Pour le Chili:	Domingo Gana. Augusto Matte. Carlos Concha.
10. Pour la Chine:	
11. Pour la Colombie. La Colombie fait les réserves suivantes: Elle n'accepte pas en aucun cas l'emploi de la force pour le recouvrement des dettes quelle que soit leur nature. Elle n'accepte pas l'arbitrage qu'après décision définitive des tribunaux des pays debiteurs.	Jorge Holguin. S. Perez Triana. M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante. Gonzalo de Quesada. Manuel Sanguily.
13. Pour le Danemark:	C. Brun.
14. Pour la République Dominicaine. Avec la réserve faite dans la séance plénière du 16 octobre 1907.	dr. Henriquez y Carvajal. Apolinar Tejera.
15. Pour l'Equateur. Avec les réserves faites dans la séance plénière du 16 octobre 1907.	Victor M. Rendón. E. Dorn y De Alsua.
16. Pour l'Espagne:	W. R. de Villa Urrutia. José de la Rica y Calvo. Gabriel Maura.

17. Pour la France:	Léon Bourgeois. d'Estournelles de Constant. L. Renault. Marcellin Pellet.
18. Pour la Grande-Bretagne:	Edw. Fry. Ernest Satow. Reay. Henry Howard.
19. Pour la Grèce. Avec la réserve faite dans la séance plénnere du 16 octobre.	Cléon Rizo Rangabé. Georges Streit.
20. Pour le Guatémala. 1. En ce qui concerne les dettes provenant de contrats ordinaires entre les ressortissants d'une nation et un gouvernment étranger on n'aura recours à l'arbitrage que dans le cas de dénégation de justice par les juridictions du pays du contrat, qui doivent être préalablement épuisées. 2. Les emprunts publics avec emission de bons constituant des dettes nationales ne pourront donner lieu, en aucun cas, à l'agression militaire ni à l'occupation materielle du sol des nations americaines.	José Tible Machado.
21. Pour le Haïti:	Dalbémar Jn Joseph. J. N. Léger. Pierre Hudicourt.
22. Pour l'Italie:	Pompilj. G. Fusinato.
23. Pour le Japon:	Aimaro Sato.
24. Pour le Luxembourg:	
25. Pour le Mexique:	G. A. Esteva. S. B. de Mier. F. L. de la Barra.
26. Pour le Monténégro:	Nélidow. Martens. N. Tcharykow.
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	G. Du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort. T. M. C. Asser. den Beer Poortugael. J. A. Röell. J. A. Loeff.

32. Pour le Pérou. Sous la réserve que les principes établis dans cette convention ne pourront pas s'appliquer à des réclamations ou différends provenant de contrats passés par un pays avec des sujets étrangers lorsque dans ces contrats il aura été expressément stipulé que les réclamations ou différends doivent être soumis au juges et tribunaux du pays.	C. G. Candamo.
33. Pour la Perse:	Momtazos-Saltaneh M. Samad Khan. Sadigh ul Mulk M. Ahmed Khan.
34. Pour le Portugal:	Marquis de Soveral. Conde de Sélir. Alberto d'Oliveira.
35. Pour la Roumanie:	
36. Pour la Russie:	Nélidow. Martens. N. Tcharykow.
37. Pour le Salvador. Nous faisons les mêmes réserves que la République Argentine ci-dessus.	P. J. Mathieu. S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch. M. G. Milovanovitch. M. G. Militchevitch.
39. Pour le Siam:	
40. Pour la Suède:	
41. Pour la Suisse:	
42. Pour la Turquie:	Turkhan.
43. Pour l'Uruguay. Sous réserve du second alinéa de l'article premier, parce que la Délégation considère que le refus de l'arbitrage pourra se faire toujours de plein droit si la loi fondamentale du pays débiteur antérieur au contrat qui a originé les doutes ou contestations, ou ce contrat même, a établi que ces doutes ou contestations seront decidées par les tribunaux du dit pays.	Jose Batlle Ordoñez.
44. Pour le Vénézuela:	

RESOLUTION OF RATIFICATION BY THE SENATE OF A CONVENTION RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS, SIGNED AT THE HAGUE, 1907.

Resolved (two-thirds of the Senators present concurring therein), that the Senate advise and consent to the ratification of a convention signed by the delegates of the United States to the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, respecting the limitation of the employment of force for the recovery of contract debts.

Resolved further, as a part of this act of ratification, that the United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

III.

1907.[a]

CONVENTION RELATIVE TO THE OPENING OF HOSTILITIES.

Concluded October 18, 1907; ratification advised by the Senate March 10, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

ARTICLES.

I. Declaration of war.
II. Notification of existence of war.
III. Effect.
IV. Ratification.
V. Non-signatory powers.
VI. When to come into force.
VII. Denunciation.
VIII. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, the United States of America, Austria-Hungary, Denmark, Great Britain, Mexico, The Netherlands, Russia, Sweden, Bolivia, and Salvador. Adhered to by China.

Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning.

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:

Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;

Son Excellence M. Horace Porter, ambassadeur extraordinaire;

Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;

Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;

M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;

M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;

M. William I. Buchanan, ministre plénipotentiaire;

Le Président de la République Argentine:

Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

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[a] The names of the Plenipotentiaries in the President's proclamation appear in French only.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:

Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

Sa Majesté le Roi des Belges:

Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;

Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;

Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

Le Président de la République de Bolivie:

Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;

Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:

Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;

Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:

M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;

M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:

Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;

Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;

Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Le Président de la République de Colombie:

M. Jorge Holguin, général;

M. Santiago Pérez Triana;

Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Le Gouverneur Provisoire de la République de Cuba:

M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;

Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;

M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.

Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendon, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y de Alsúa, chargé d'affaires.

Sa Majesté le Roi d'Espagne:
Son Excellence M. W. R. de Villa-Urrutia, sénateur, ancien ministre des affaires étrangères, Son ambassadeur extraordinaire et plénipotentiaire à Londres;
Son Excellence M. José de la Rica y Calvo, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
M. Gabriel Maura y Gamazo, comte de Mortera, député aux Cortès.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre du conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

Sa Majesté le Roi d'Italie:
Son Excellence le Comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne;
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.

Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du Gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.

Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.

Son Altesse Royale le Prince de Monténégro:
Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;
Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;

Son Altesse Royale le Prince de Monténégro—Continued.
Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.

Sa Majesté le roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour permanente d'arbitrage.

Le Président de la République de Panama:
M. Belisario Porras.

Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.

Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell. Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;
M. J. A. Loeff. Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.

Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.

Sa Majesté Impériale le Schah de Perse:
Son Excellence Samed Khan Montazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.

Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, Son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.

Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.

Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général.
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.

Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjold, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.

Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugene Borel, colonel d'état major-général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.

Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.

Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Batlle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.

Le Président des États-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'Affaires de la République à Berlin.

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

ARTICLE II.

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

ARTICLE III.

Article I of the present Convention shall take effect in case of war between two or more of the Contracting Powers.

Article II is binding as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

ARTICLE IV.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE V.

Non-Signatory Powers may adhere to the present Convention.

The Power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE VI.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE VII.

In the event of one of the High Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE VIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article IV, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article V, paragraph 2) or of denunciation (Article VII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. Pour l'Allemagne:	MARSCHALL. KRIEGE.
2. Pour les Etats Unis d'Amérique:	JOSEPH H. CHOATE. HORACE PORTER. U. M. ROSE. DAVID JAYNE HILL. C. S. SPERRY. WILLIAM I. BUCHANAN.
3. Pour l'Argentine:	ROQUE SAENZ PEÑA. LUIS M. DRAGO. C. RÚEZ LARRETA.
4. Pour l'Autriche-Hongrie:	MÉREY. BON MACCHIO.
5. Pour la Belgique:	A. BEERNAERT. J. VAN DEN HEUVEL. GUILLAUME.

6. Pour la Bolivie:	Claudio Pinilla.
7. Pour le Brésil:	Ruy Barbosa.
	E. Lisbôa.
8. Pour la Bulgarie:	Général-Major Vinaroff.
	Iv. Karandjouloff.
9. Pour le Chili:	Domingo Gana.
	Augusto Matte.
	Carlos Concha.
10. Pour la Chine:	
11. Pour la Colombie:	Jorge Holguin.
	S. Perez Triana.
	M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante.
	Gonzalo de Quesada.
	Manuel Sanguily.
13. Pour le Danemark:	C. Brun.
14. Pour la République Dominicaine:	dr. Henriquez y Carvajal.
	Apolinar Tejera.
15. Pour l'Equateur:	Victor M. Rendon.
	E. Dorn y de Alsua.
16. Pour l'Espagne:	W. R. de Villa Urrutia.
	José de la Rica y Calvo.
	Gabriel Maura.
17. Pour la France:	Léon Bourgeois.
	d'Estournelles de Constant.
	L. Renault.
	Marcellin Pellet.
18. Pour la Grande-Bretagne:	Edw. Fry.
	Ernest Satow.
	Reay.
	Henry Howard.
19. Pour la Grèce:	Cléon Rizo Rangabé.
	Georges Streit.
20. Pour le Guatémala:	José Tible Machado.
21. Pour le Haïti:	Dalbémar Jn Joseph.
	J. N. Léger.
	Pierre Hudicourt.
22. Pour l'Italie:	Pompilj.
	G. Fusinato.
23. Pour le Japon:	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen.
	Cte. de Villers.
25. Pour Mexique:	G. A. Esteva.
	S. B. de Mier.
	F. L. de la Barra.
26. Pour le Monténégro:	Nelidow.
	Martens.
	N. Tcharykow.
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	G. Du Monceau.

31. Pour les Pays-Bas:	W. H. DE BEAUFORT.
	T. M. C. ASSER.
	DEN BEER POORTUGAEL.
	J. A. RÖELL.
	J. A. LOEFF.
32. Pour le Pérou:	C. G. CANDAMO.
33. Pour la Perse:	MOMTAZOS-SALTANEH M. SAMAD KHAN.
	SADIGH UL MULK M. AHMED KHAN.
34. Pour le Portugal:	ALBERTO D'OLIVEIRA.
35. Pour la Roumanie:	EDG. MAVROCORDATO.
36. Pour la Russie:	NELIDOW.
	MARTENS.
	N. TCHARYKOW.
37. Pour le Salvador:	P. J. MATHEU.
	S. PEREZ TRIANA.
38. Pour la Serbie:	S. GROUÏTCH.
	M. G. MILOVANOVITCH.
	M. G. MILITCHEVITCH.
39. Pour le Siam:	MOM CHATIDEJ UDOM.
	C. CORRAGIONI D'ORELLI.
	LUANG BHÜVANARTH NARÜBAL.
40. Pour la Suède:	K. H. L. HAMMARSKJÖLD.
	JOH. HELLNER.
41. Pour la Suisse:	CARLIN.
42. Pour la Turquie:	TURKHAN.
43. Pour l'Uruguay:	JOSÉ BATLLE Y ORDOÑEZ.
44. Pour le Vénézuéla:	J. GIL FORTOUL.

IV.

1907.[a]

CONVENTION RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND.

Concluded October 18, 1907; ratification advised by the Senate March 10, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

ARTICLES.

I. Instructions to forces.
II. Application.
III. Violation by belligerent.
IV. Ratification.
V. Time and deposit of ratification.
VI. Nonsignatory powers.
VII. When to come into force.
VIII. Denunciation.
IX. Register of ratifications.

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, United States of America, Austria, Denmark, Great Britain, Mexico, the Netherlands, Russia, Sweden, Bolivia, and Salvador.

ANNEX.

Regulations respecting the laws and customs of war on land.

SECTION I.—*On belligerents.*

CHAPTER I.—*The qualifications of belligerents.*

I. Application of laws of war.
II. Unorganized belligerents.
III. Combatants and noncombatants.

CHAPTER II.—*Prisoners of war.*

IV. Treatment.
V. Confinement.
VI. Employment.
VII. Maintenance.
VIII. Laws, regulations, recapture.
IX. True name and rank.
X. Parole.
XI. Parole voluntary.
XII. Recapture after parole.
XIII. Newspaper correspondence, etc.
XIV. Bureau of information.
XV. Relief societies.
XVI. Free postage, etc.
XVII. Officers.
XVIII. Religious freedom.
XIX. Wills.
XX. Repatriation.

CHAPTER III.—*The sick and wounded.*

XXI. Geneva convention.

SECTION II.—*Hostilities.*

CHAPTER I.—*Means of injuring the enemy; sieges; bombardments.*

XXII. Means not unlimited.
XXIII. Prohibitions.
XXIV. Obtaining information.
XXV. Undefended towns, etc.
XXVI. Warning to authorities.
XXVII. Public buildings.
XXVIII. Pillage.

CHAPTER II.—*Spies.*

XXIX. Who considered spies.
XXX. Trial of spies.
XXXI. Responsibility for previous acts.

CHAPTER III.—*Flags of truce.*

XXXII. Bearer.
XXXIII. Receiving flag.
XXXIV. Treachery.

CHAPTER IV.—*Capitulations.*

XXXV. Rules.

CHAPTER V.—*Armistices.*

XXXVI. Suspension of hostilities.
XXXVII. General or local.
XXXVIII. Notification.
XXXIX. Terms.
XL. Violation.
XLI. Punishment.

SECTION III.—*Military authority over the territory of the hostile State.*

XLII. Territory; occupation.
XLIII. Restoration of order.
XLIV. Forced military service.
XLV. Oath of allegiance.
XLVI. Rights respected.
XLVII. Pillage forbidden.
XLVIII. Taxes, dues, etc.
XLIX. Taxes for military purposes.
L. Penalties.
LI. Collection of contribution.
LII. Requisitions from municipalities.
LIII. Property of the State.
LIV. Submarine cables.
LV. Public buildings.
LVI. Religious institutions, etc.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert Regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles I and II of the Regulations adopted must be understood.

The High Contracting Parties, wishing to conclude a fresh Convention to this effect, have appointed the following as their Plenipotentiaries:—[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:

Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;

Son Excellence M. Horace Porter, ambassadeur extraordinaire;

Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;

Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;

M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;

M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;

M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:

Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:

Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

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[a] The names of the Plenipotentiaries in the President's proclamation appear in French only.

Sa Majesté le Roi des Belges:
Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;
Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;
Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:
Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;
Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Le Gouverneur Provisoire de la République de Cuba:
M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;
Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Manuel Sanguily, ancient directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.

Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y Alsúa, chargé d'affaires.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre de conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington:

Le Président de la République d'Haïti—Continued.
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.
Sa Majesté le Roi d'Italie:
Son Excellence le Comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne;
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.
Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du Gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.
Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.
Son Altesse Royale le Prince de Monténégro:
Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;
Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;
Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.
Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour premanente d'arbitrage.
Le Président de la République de Panama:
M. Belisario Porras.
Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.

Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.

Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.

Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.

Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, Son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.

Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;

Sa Majesté le Roi de Serbie—Continued.
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.
Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjold, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.
Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état major-général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Batlle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.
Le Président des États-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:—

Article I.

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

Article II.

The provisions contained in the Regulations referred to in Article I, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE III.

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE IV.

The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

ARTICLE V.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE VI.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE VII.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE VIII.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE IX.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article V, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article VI, paragraph 2) or of denunciation (Article VIII, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. Pour l'Allemagne. Sous réserve de l'article 44 du Règlement annexé.	MARSCHALL. KRIEGE.
2. Pour les Etats Unis d'Amerique:	JOSEPH H. CHOATE. HORACE PORTER. U. M. ROSE. DAVID JAYNE HILL. C. S. SPERRY. WILLIAM I. BUCHANAN.
3. Pour l'Argentine:	ROQUE SAENZ PEÑA. LUIS M. DRAGO. C. RÚEZ LARRETA.
4. Pour l'Autriche-Hongrie. Sous réserve de la déclaration faite dans la séance plénière de la Conférence du 17 août 1907.	MÉREY. BON MACCHIO.
5. Pour la Belgique:	A. BEERNAERT. J. VAN DEN HEUVEL. GUILLAUME.
6. Pour la Bolivie:	CLAUDIO PINILLA.
7. Pour le Brésil:	RUY BARBOSA. E. LISBÔA.
8. Pour la Bulgarie:	Général-Major VINAROFF. IV. KARANDJOULOFF.
9. Pour le Chili:	DOMINGO GANA. AUGUSTO MATTE. CARLOS CONCHA.
10. Pour la Chine:	
11. Pour la Colombie:	JORGE HOLGUIN. S. PEREZ TRIANA. M. VARGAS.
12. Pour la République de Cuba:	ANTONIO S. DE BUSTAMANTE. GONZALO DE QUESADA. MANUEL SANGUILY.

13. Pour le Danemark:	C. Brun.
14. Pour la République Dominicaine:	dr. Henriquez y Carvajal.
	Apolinar Tejera.
15. Pour l'Equateur:	Victor M. Rendon.
	E. Dorn y de Alsúa.
16. Pour l'Espagne.	
17. Pour la France:	Léon Bourgeois.
	d'Estournelles de Constant.
	L. Renault.
	Marcellin Pellet.
18. Pour la Grande-Bretagne:	Edw. Fry.
	Ernest Satow.
	Reay.
	Henry Howard.
19. Pour la Grèce:	Cléon Rizo Rangabé.
	Georges Streit.
20. Pour le Guatémala:	José Tible Machado.
21. Pour le Haiti:	Dalbémar Jn Joseph.
	J. N. Léger.
	Pierre Hudicourt.
22. Pour l'Italie:	Pompilj.
	G. Fusinato.
23. Pour le Japon. Avec Réserve de l'article 44.	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen.
	Cte. de Villers.
25. Pour le Mexique:	G. A. Esteva.
	S. B. de Mier.
	F. L. de la Barra.
26. Pour le Monténégro. Sous réserves formulées à l'article 44 du Réglement annexé à la présente Convention et consignées au procès-verbal de la quatrième séance plénière du 17 août 1907.	Nelidow.
	Martens.
	N. Tcharykow.
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	G. du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort.
	T. M. C. Asser.
	den Beer Poortugael.
	J. A. Röell.
	J. A. Loeff.
32. Pour le Pérou:	C. G. Candamo.
33. Pour la Perse:	Momtazos-Saltaneh M. Samad Khan.
	Sadigh ul Mulk M. Ahmed Khan.
34. Pour le Portugal:	Marquis de Soveral.
	Conde de Selir.
	Alberto d'Oliveira.

35. Pour la Roumanie:	Edg. Mavrocordato.
36. Pour la Russie. Sous réserves formulées à l'article 44 du Règlement annexé à la présente Convention et consignées au procès-verbal de la quatrième séance plénière du 17 août 1907:	Nelidow. Martens. N. Tcharykow.
37. Pour le Salvador:	P. J. Matheu. S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch. M. G. Milovanovitch. M. G. Militchevitch.
39. Pour le Siam:	Mom Chatidej Udom. C. Corragioni d'Orelli. Luang Bhüvanarth Narübal.
40. Pour la Suède:	K. H. L. Hammarskjöld. Joh. Hellner.
41. Pour la Suisse:	Carlin.
42. Pour la Turquie. Sous réserve de l'article 3:	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordoñez.
44. Pour le Vénézuéla:	J. Gil Fortoul.

ANNEX TO THE CONVENTION.

Regulations respecting the Laws and Customs of War on Land.

Section I.—On Belligerents.

Chapter I.—*The Qualifications of Belligerents.*

Article I.

THE laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:—

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

Article II.

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article I. shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

ARTICLE III.

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II.—*Prisoners of War.*

ARTICLE IV.

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE V.

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ARTICLE VI.

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLE VII.

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

ARTICLE VIII.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are.

Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

ARTICLE IX.

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ARTICLE X.

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE XI.

A prisoner of war cannot be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ARTICLE XII.

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the Courts.

ARTICLE XIII.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE XIV.

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, re-

leases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, interment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, &c., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLE XV.

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE XVI.

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

ARTICLE XVII.

Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

ARTICLE XVIII.

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever Church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

ARTICLE XIX.

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE XX.

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III.—*The Sick and Wounded.*

ARTICLE XXI.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

SECTION II.—HOSTILITIES.

CHAPTER I.—*Means of Injuring the Enemy, Sieges, and Bombardments.*

ARTICLE XXII.

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE XXIII.

In addition to the prohibitions provided by special Conventions, it is especially forbidden—

(*a.*) To employ poison or poisoned weapons;

(*b.*) To kill or wound treacherously individuals belonging to the hostile nation or army;

(*c.*) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;

(*d.*) To declare that no quarter will be given;

(*e.*) To employ arms, projectiles, or material calculated to cause unnecessary suffering;

(*f.*) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;

(*g.*) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;

(*h.*) To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE XXIV.

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE XXV.

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLE XXVI.

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ARTICLE XXVII.

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided that they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE XXVIII.

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*Spies.*

ARTICLE XXIX.

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE XXX.

A spy taken in the act shall not be punished without previous trial.

ARTICLE XXXI.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*Flags of Truce.*

ARTICLE XXXII.

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE XXXIII.

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE XXXIV.

The envoy loses his right of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*Capitulations.*

ARTICLE XXXV.

Capitulations agreed upon between the contracting parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both parties.

CHAPTER V.—*Armistices.*

ARTICLE XXXVI.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE XXXVII.

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

ARTICLE XXXVIII.

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

ARTICLE XXXIX.

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

ARTICLE XL.

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ARTICLE XLI.

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III.—MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE.

ARTICLE XLII.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

ARTICLE XLIII.

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE XLIV.

A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

ARTICLE XLV.

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

ARTICLE XLVI.

Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property cannot be confiscated.

ARTICLE XLVII.

Pillage is formally forbidden.

ARTICLE XLVIII.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

ARTICLE XLIX.

If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ARTICLE L.

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

ARTICLE LI.

No contribution shall be collected except under a written order, and on the responsibility of a Commander-in-chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE LII.

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ARTICLE LIII.

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State,

depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depôts of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

Article LIV.

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

Article LV.

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

Article LVI.

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

V.

1907.[a]

Convention Respecting the Rights and Duties of Neutral Powers and Persons in War on Land.

Concluded October 18, 1907; ratification advised by Senate March 10, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

Chapter I—*The rights and duties of neutral powers.*

I. Territory of neutral powers.
II. Crossing territory of neutral powers.
III. Telegraph stations, etc.
IV. Recruiting agencies.
V. Duty of neutral powers.
VI. Responsibility.
VII. Export of arms.
VIII. Use of telegraph or telephone cables.
IX. Impartiality.
X. Force.

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, the United States of America, Austria-Hungary, Denmark, Mexico, the Netherlands, Russia, Sweden, Bolivia, and Salvador.

CHAPTER II—*Belligerents interned and wounded tended in neutral territory.*

XI. Internment of troops.
XII. Supplying of necessaries.
XIII. Prisoners of war.
XIV. Passage of wounded and sick.
XV. Geneva convention.

CHAPTER III—*Neutral persons.*

XVI. Who considered neutrals.
XVII. Rules of neutrality.
XVIII. Acts not violation of neutrality.

CHAPTER IV—*Railway material.*

XIX. Use of railway material by belligerents.

CHAPTER V—*Final provisions.*

XX. Applicability of convention.
XXI. Ratification.
XXII. Nonsignatory power.
XXIII. When to come into force.
XXIV. Denunciation.
XXV. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

With a view to laying down more clearly the rights and duties of neutral Powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory;

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

Have resolved to conclude a Convention to this effect, and have, in consequence, appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son enyoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:

Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;

Son Excellence M. Horace Porter, ambassadeur extraordinaire;

Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;

Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;

M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;

M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;

M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:

Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:

Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

Sa Majesté le Roi des Belges:

Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente l'arbitrage;

Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;

Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

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[a] The names of the Plenipotentiaries appear in the President's proclamation in French only.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:
Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;
Son Excellence M. Eduardo F. S. Dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Le Gouverneur Provisoire de la République de Cuba:
M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;
Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.

Sa Majesté de Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y Alsúa, chargé d'affaires.

Sa Majesté le Roi d'Espagne:
Son Excellence M. W. R. de Villa-Urrutia, sénateur, ancien ministre des affaires étrangères, Son ambassadeur extraordinaire et plénipotentiaire à Londres;
Son Excellence M. José de la Rica y Calvo, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
M. Gabriel Maura y Gamazo, comte de Mortera, député aux Cortès.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre du conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

Sa Majesté le Roi d'Italie:
Son Excellence le Comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne.
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.
Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.
Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.
Son Altesse Royale le Prince de Monténégro:
Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;
Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;
Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.
Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour permanente d'arbitrage.
Le Président de la République de Panama:
M. Belisario Porras.
Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.
Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;

Sa Majesté la Reine des Pays-Bas—Continued.
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.

Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.

Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.

Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, Son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.

Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;

Sa Majesté le Roi de Serbie—Continued.
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.
Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjold, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.
Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état-major-général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Batlle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.
Le Président des Etats-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

Chapter I.—*The Rights and Duties of Neutral Powers.*

Article I.

The territory of neutral Powers is inviolable.

Article II.

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

Article III.

Belligerents are likewise forbidden to:

(*a.*) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;

(*b.*) Use any installation of this kind established by them before the war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

ARTICLE IV.

Corps of combatants cannot be formed nor recruiting agencies opened on the territory of a neutral Power to assist the belligerents.

ARTICLE V.

A neutral Power must not allow any of the acts referred to in Articles II to IV to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

ARTICLE VI.

The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separating to offer their services to one of the belligerents.

ARTICLE VII.

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

ARTICLE VIII.

A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to Companies or private individuals.

ARTICLE IX.

Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles VII and VIII must be impartially applied by it to both belligerents.

A neutral Power must see to the same obligation being observed by Companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

ARTICLE X.

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.

CHAPTER II.—*Belligerents Interned and Wounded tended in Neutral Territory.*

ARTICLE XI.

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

Article XII.

In the absence of a special Convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

Article XIII.

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

Article XIV.

A neutral Power may authorize the passage into its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

Article XV.

The Geneva Convention applies to sick and wounded interned in neutral territory.

Chapter III.—*Neutral Persons.*

Article XVI.

The nationals of a State which is not taking part in the war are considered as neutrals.

Article XVII.

A neutral cannot avail himself of his neutrality:

(*a.*) If he commits hostile acts against a belligerent;

(*b.*) If he commits acts in favour of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

Article XVIII.

The following acts shall not be considered as committed in favour of one belligerent in the sense of Article XVII, letter (*b*):

(*a*.) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

(*b*.) Services rendered in matters of police or civil administration.

Chapter IV.—*Railway Material.*

Article XIX.

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of Companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

Chapter V.—*Final Provisions.*

Article XX.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

Article XXI.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preced-

ing paragraph, and of the instruments of ratification shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Article XXII.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Article XXIII.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of the ratification or of their adhesion has been received by the Netherland Government.

Article XXIV.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

Article XXV.

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article XXI, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XXII, paragraph 2) or of denunciation (Article XXIV, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at the Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. Pour l'Allemagne:	Marschall. Kriege.
2. Pour les Etats Unis d'Amerique:	Joseph H. Choate. Horace Porter. U. M. Rose. David Jayne Hill. C. S. Sperry. William I. Buchanan.
3. Pour l'Argentine. La République Argentine fait réserve de l'article 19.	Roque Saenz Pena. Luis M. Drago. C. Rúez Larreta.
4. Pour l'Autriche-Hongrie:	Mérey. B^{on} Macchio.
5. Pour la Belgique:	A. Beernaert. J. Van den Heuvel. Guillaume.
6. Pour la Bolivie:	Claudio Pinilla.
7. Pour le Bresil:	Ruy Barbosa. E. Lisbôa.
8. Pour la Bulgarie:	Général-Major Vinaroff. Iv. Karandjouloff.
9. Pour le Chili:	Domingo Gana. Augusto Matte. Carlos Concha.
10. Pour la Chine:	
11. Pour la Colombie:	Jorge Holguin. S. Perez Triana. M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante. Gonzalo de Quesada. Manuel Sanguily.
13. Pour le Danemark:	C. Brun.
14. Pour la République Dominicaine:	dr. Henrique y Carvajal. Apolinar Tejera.
15. Pour l'Equateur:	Victor M. Rendon. E. Dorn y de Alsúa.
16. Pour l'Espagne:	W. R. de Villa Urrutia. José de la Rica y Calvo. Gabriel Maura.
17. Pour la France:	Léon Bourgeois. d'Estournelles de Constant. L. Renault. Marcellin Pellet.
18. Pour la Grande-Bretagne. Sous réserve des articles 16, 17, et 18.	Edw. Fry. Ernest Satow. Reay. Henry Howard.
19. Pour la Grèce:	Cléon Rizo Rangabé. Georges Streit.
20. Pour le Guatémala:	José Tible Machado.

21. Pour le Haïti:	Dalbémar Jn Joseph.
	J. N. Léger.
	Pierre Hudicourt.
22. Pour l'Italie:	Pompilj.
	G. Fusinato.
23. Pour le Japon:	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen.
	C^te. de Villers.
25. Pour le Mexique:	G. A. Esteva.
	S. B. de Mier.
	F. L. de la Barra.
26. Pour le Monténégro:	Nelidow.
	Martens.
	N. Tcharykow.
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	G. Du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort.
	T. M. C. Asser.
	den Beer Poortugael.
	J. A. Röell.
	J. A. Leoff.
32. Pour le Pérou:	C. G. Candamo.
33. Pour la Perse:	M. Samad Khan Momtazos-Saltaneh.
	M. Ahmed Khan Sadigh ul Mulk.
34. Pour le Portugal:	Marquis de Soveral.
	Conde de Selir.
	Alberto d'Oliveira.
35. Pour la Roumanie:	Edg. Mavrocordato.
36. Pour la Russie:	Nelidow.
	Martens.
	N. Tcharykow.
37. Pour le Salvador:	P. J. Matheu.
	S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch.
	M. G. Milovanovitch.
	M. G. Militchevitch.
39. Pour le Siam:	Mom Chatidej Udom.
	C. Carragioni d'Orelli.
	Luang Bhüvanarth Narübal.
40. Pour la Suède:	K. H. L. Hammarskjöld.
	Joh. Hellner.
41. Pour la Suisse:	Carlin.
42. Pour la Turquie:	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordonez.
44. Pour le Vénézuéla:	J. Gil Fortoul.

VIII.

1907.[a]

Convention Relative to the Laying of Automatic Submarine Contact Mines.

Concluded October 18, 1907; ratification advised by the Senate March 10, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

Articles.

I. Laying of contact mines forbidden.
II. Intercepting commercial shipping.
III. Precautions.
IV. Neutral powers.
V. Removal.
VI. Conversion of matériel of mines to conform to this convention.
VII. Applicability.
VIII. Ratification.
IX. Nonsignatory powers.
X. When to come into effect.
XI. Duration.
XII. Reopening of question.
XIII. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Roumania; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, the United States of America, Austria-Hungary, Denmark, Great Britain, Mexico, the Netherlands, and Salvador.

Oriental Republic of Uruguay; the President of the United States of Venezuela;

Inspired by the principle of the freedom of sea routes, the common highways of all nations;

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a Convention for this purpose, and have appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:

Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire:

Son Excellence M. Horace Porter, ambassadeur extraordinaire;

Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;

Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;

M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;

M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;

M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:

Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:

Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

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[a] The names of the Plenipotenciaries appear in the President's proclamation in French only.

Sa Majesté le Roi des Belges:
Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;
Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;
Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:
Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;
Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Le Gouverneur Provisoire de la République de Cuba:
M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;
Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.

Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y de Alsúa, chargé d'affaires.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du-Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. F., membre du conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;

Le Président de la République d'Haïti—Continued.
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.
Sa Majesté le Roi d'Italie:
Son Excellence le comte Joseph Tornielli Brusati di Vergano, sénateur de Royaume, ambassadeur de Sa Majesté le Roi à Paris membre de la cour permanente d'arbitrage, président de la délégation Italienne;
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.
Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à la Haye.
Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.
Le Président des Etats-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.
Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour permanente d'arbitrage.
Le Président de la République de Panama:
M. Belisario Porras.
Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.
Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;

Sa Majesté la Reine des Pays-Bas—Continued.
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.
Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.
Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.
Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.
Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état-major général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Battle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.

Le Président des Etats-Unis de Vénézuéla:

M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

It is forbidden:

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them;

2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings;

3. To use torpedoes which do not become harmless when they have missed their mark.

ARTICLE II.

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping.

ARTICLE III.

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to ship owners, which must also be communicated to the Governments through the diplomatic channel.

ARTICLE IV.

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral Power must inform ship-owners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel.

ARTICLE V.

At the close of the war, the Contracting Powers undertake to do their utmost to remove the mines which they had laid, each Power removing its own mines.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters.

ARTICLE VI.

The Contracting Powers which do not at present own perfected mines of the pattern contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles I and III, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

Article VII.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

Article VIII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written modification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

Article IX.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

Article X.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Article XI.

The present Convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

Unless denounced, it shall continue in force after the expiration of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy

of the notification to all the Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and six months after the notification has reached the Netherland Government.

ARTICLE XII.

The Contracting Powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph of the preceding Article, in the event of the question not having been already reopened and settled by the Third Peace Conference.

If the Contracting Powers conclude a fresh Convention relative to the employment of mines, the present Convention shall cease to be applicable from the moment it comes into force.

ARTICLE XIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article VIII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article IX, paragraph 2) or of denunciation (Article XI, paragraph 3) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. Pour l'Allemagne: Sous réserve de l'article 2.	MARSCHALL. KRIEGE.
2. Pour les Etats Unis d'Amerique:	JOSEPH H. CHOATE. HORACE PORTER. U. M. ROSE. DAVID JAYNE HILL. C. S. SPERRY. WILLIAM I. BUCHANAN.
3. Pour l'Argentine:	ROQUE SAENZ PEÑA. LUIS M. DRAGO. C. RÚEZ LARRETA.
4. Pour l'Autriche-Hongrie:	MÉREY. B^{on} MACCHIO.
5. Pour la Belgique:	A. BEERNAERT. VAN DEN HEUVEL. GUILLAUME.
6. Pour la Bolivie:	CLAUDIO PINILLA.
7. Pour le Brésil:	RUY BARBOSA. E. LISBÔA.
8. Pour la Bulgarie:	GÉNÉRAL-MAJOR VINAROFF. IV. KARANDJOULOFF.

9. Pour le Chili:	Domingo Gana. Augusto Matte. Carlos Concha.
10. Pour la Chine:	
11. Pour la Colombie:	Jorge Holguin. S. Perez Triana. M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante. Gonzalo de Quesada. Manuel Sanguily.
13. Pour le Danemark:	A. Vedel.
14. Pour la République Dominicaine: Avec réserve sur l'alinéa premier de l'article premier.	dr. Henriquez y Carvajal. Apolinar Tejera.
15. Pour l'Equateur:	Victor M. Rendón. E. Dorn y de Alsúa.
16. Pour l'Espagne:	
17. Pour la France: Sous reserve de l'article 2.	Marcellin Pellet.
18. Pour la Grande-Bretagne. Sous réserve de la déclaration suivante: "En apposant leurs signatures à cette Convention les Plénipotentiaires Britanniques délarent que le simple fait que la dite Convention ne défend pas tel acte ou tel procédé, ne doit pas être considéré comme privant le Gouvernement de Sa Majesté Britannique du droit de contester la légalité du dit acte ou procédé."	Edw. Fry. Ernest Satow. Reay. Henry Howard.
19. Pour la Grèce:	Cléon Rizo Rangabé. Georges Streit.
20. Pour le Guatémala:	José Tible Machado.
21. Pour le Haiti:	Dalbémar Jn Joseph. J. N. Léger. Pierre Hudicourt.
22. Pour l'Italie:	Pompilj. G. Fusinato.
23. Pour le Japon:	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen. Cte de Villers.
25. Pour le Mexique:	G. A. Esteva. S. B. de Mier. F. L. de la Barra.
26. Pour le Monténégro:	
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.

30. Pour le Paraguay:	G. Du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort. T. M. C. Asser. den Beer Poortugael. J. A. Röell. J. A. Loeff.
32. Pour le Pérou:	C. G. Candamo.
33. Pour la Perse:	Momtazos-Saltaneh M. Samad Khan. Sadigh ul Mulk M. Ahmed Khan.
34. Pour le Portugal:	
35. Pour la Roumanie:	Edg. Mavrocordato.
36. Pour la Russie:	
37. Pour le Salvador:	P. J. Matheu. S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch. M. G. Milovanovitch. M. G. Militchevitch.
39. Pour le Siam. Sous réserve de l'article 1, alinéa 1:	Mom Chatidej Udom. C. Corragioni d'Orelli. Luang Bhüvanarth Narübal.
40. Pour la Suède:	
41. Pour la Suisse:	Carlin.
42. Pour la Turquie. Sous réserve des déclarations consignées au procès-verbal de la 8e séance plénière de la Conférence du 9 octobre 1907.	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordoñez.
44. Pour le Vénézuela:	J. Gil Fortoul.

IX.

1907.[a]

Convention Respecting Bombardment by Naval Forces in Time of War.

Concluded October 18, 1907; ratification advised by Senate March 10, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

Articles.

Chapter I.—*The bombardment of undefended ports, towns, villages, dwellings or buildings.*

I. Bombardment forbidden.
II. Military works, naval establishments, etc.
III. Refusal to comply with requisitions for provisions, etc.
IV. Money contributions.

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, The United States of America, Austria-Hungary, Denmark, Great Britain, Mexico, The Netherlands, Russia, Sweden, Bolivia, and Salvador. Adhered to by China.

CHAPTER II.—*General provisions.*

V. Public buildings, etc.
VI. Warning authorities.
VII. Pillage.

CHAPTER III.—*Final provisions.*

VIII. Applicability of convention.
IX. Ratification.
X. Non-signatory powers.
XI. When to come into force.
XII. Denunciation.
XIII. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as possible to this operation of war the principles of the Regulation of 1899 respecting the Laws and Customs of Land War;

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

Have resolved to conclude a Convention to this effect, and have, for this purpose, appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:
Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;
M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:
Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;
Son Excellence M. Horace Porter, ambassadeur extraordinaire;
Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;
Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;
M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;
M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;
M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:
Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;
Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

Sa Majesté L'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:
Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

Sa Majesté le Roi des Belges:
Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;
Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;
Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

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[a] The names of the Plenipotentiaries appear in the President's proclamation in French only.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:
Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;
Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à la Haye.

Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Le Gouverneur Provisoire de la République de Cuba:
M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;
Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.

Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y de Alsúa, chargé d'affaires.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre du conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

Sa Majesté le Roi d'Italie:
Son Excellence le Comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne;
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;

Sa Majesté le Roi d'Italie—Continued.
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.
Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du Gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.
Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.
Son Altesse Royale le Prince de Monténégro:
Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;
Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;
Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.
Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour permanente d'arbitrage.
Le Président de la République de Panama:
M. Belisario Porras.
Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.
Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;

Sa Majesté la Reine des Pays-Bas—Continued.
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.
Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.
Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté le Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne;
Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, Son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.
Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.

Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjold, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage;
La Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état major-général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Batlle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.
Le Président des États-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

Chapter I.—*The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings.*

Article I.

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

A place cannot be bombarded solely because automatic submarine contact mines are anchored off the harbour.

Article II.

Military works, military or naval establishments, depôts of arms or war *matériel*, workshops or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbour, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to

bombard the undefended town holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

ARTICLE III.

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

ARTICLE IV.

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

CHAPTER II.—*General Provisions.*

ARTICLE V.

In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two coloured triangular portions, the upper portion black, the lower portion white.

ARTICLE VI.

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.

ARTICLE VII.

A town or place, even when taken by storm, may not be pillaged.

CHAPTER III.—*Final Provisions.*

ARTICLE VIII.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE IX.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister of Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE X.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere shall notify its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XI.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XII.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XIII.

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article IX, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article X, paragraph 2) or of denunciation (Article XII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. Pour l'Allemagne. Sous réserve de l'article 1, alinéa 2:	Marschall. Kriege.
2. Pour les Etats Unis d'Amerique:	Joseph H. Choate. Horace Porter. U. M. Rose. David Jayne Hill. C. S. Sperry. William I. Buchanan.
3. Pour l'Argentine:	Roque Saenz Peña. Luis M. Drago. C. Rúez Larreta.
4. Pour l'Autriche-Hongrie:	Mérey. B^{on} Macchio.
5. Pour la Belgique:	A. Beernaert. J. Van den Heuvel. Guillaume.
6. Pour la Bolivie:	Claudio Pinilla.
7. Pour le Brésil:	Ruy Barbosa. E. Lisbôa.
8. Pour la Bulgarie:	Général-Major Vinaroff. Iv. Karandjouloff.
9. Pour le Chili. Sous la réserve de l'article 3 formulée dans la quatrième séance plénière du 17 août:	Domingo Gana. Augusto Matte. Carlos Concha.
10. Pour la Chine.	
11. Pour la Colombie:	Jorge Holguin. S. Peréz Triana. M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante. Gonzalo de Quesada. Manuel Sanguily.
13. Pour le Danemark:	C. Brun.
14. Pour la République Dominicaine:	dr. Henriquez y Carvajal. Apolinar Tejera.
15. Pour l'Equateur:	Victor M. Rendón. E. Dorn y de Alsúa.
16. Pour l'Espagne:	
17. Pour la France. Sous réserve du deuxième alinéa de alinéa de l'article I:	Marcellin Pellet.
18. Pour la Grande-Bretagne. Sous réserve du second alinéa de l'article I:	Edw. Fry. Ernest Satow. Reay. Henry Howard.

19. Pour la Grèce:	Cléon Rizo Rangabé.
	Georges Streit.
20. Pour le Guatémala:	José Tible Machado.
21. Pour le Haïti:	Dalbémar Jn Joseph.
	J. N. Léger.
	Pierre Hudicourt.
22. Pour l'Italie:	Pompilj.
	G. Fusinato.
23. Pour le Japon. Avec réserve de l'alinéa 2 de l'article premier.	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen.
	Cte. de Villers.
25. Pour le Mexique:	G. A. Esteva.
	S. B. de Mier.
	F. L. de la Barra.
26. Pour le Monténégro:	Nelidow.
	Martens.
	N. Tcharykow.
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	G. Du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort.
	T. M. C. Asser.
	den Beer Poortugael.
	J. A. Röell.
	J. A. Loeff.
32. Pour le Pérou:	C. G. Candamo.
33. Pour la Perse:	Momtazos-Saltaneh M. Samad Khan.
	Sadigh ul Mulk M. Ahmed Khan.
34. Pour le Portugal:	Alberto d'Oliveira.
35. Pour la Roumanie:	Edg. Mavrocordato.
36. Pour la Russie:	Nelidow.
	Martens.
	N. Tcharykow.
37. Pour le Salvador:	P. J. Matheu.
	S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch.
	M. G. Milovanovitch.
	M. G. Militchevitch.
39. Pour le Siam:	Mom Chatidej Udom.
	C. Corragioni d'Orelli.
	Luang Bhüvanarth Narübal.
40. Pour la Suède:	K. H. L. Hammarskjöld.
	Joh. Hellner.
41. Pour la Suisse:	Carlin.
42. Pour la Turquie:	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordoñez.
44. Pour le Vénézuéla:	J. Gil. Fortoul.

X.

1907.[a]

Convention for the Adaption to Naval War of the Principles of the Geneva Convention.

Concluded October 18, 1907; ratification advised by the Senate March 10, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

Articles.

I. Military hospital ships.
II. Hospital ships equipped at private expense.
III. Conditions of exemption from capture.
IV. Relief by private hospital ships.
V. Distinguishing marks; flag, etc.
VI. Protection by distinguishing signs.
VII. Sick wards to be respected.
VIII. Neutrality of hospital ships.
IX. Protection to yachts, etc. Caring for sick.
X. Inviolability of religious medical staff, etc.
XI. Treatment of captured sailors and soldiers.
XII. Demand that sick, etc., to be handed over.
XIII. Not to again take part in operations of war.
XIV. Prisoners of war.
XV. Wounded landed in neutral port, treatment of.
XVI. Protection against pillage and ill treatment.
XVII. Identification of dead.
XVIII. Applicability of convention.
XIX. Duty of commander in chief.
XX. Notification to naval forces.
XXI. Legislation.
XXII. Convention not to apply in war between land and sea.
XXIII. Ratification.
XXIV. Nonsignatory powers.
XXV. Time of ratification.
XXVI. Force and effect.
XXVII. Denunciation.
XXVIII. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nas-

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, the United States of America, Austria-Hungary, China, Denmark, Mexico, the Netherlands, Russia, Bolivia, and Salvador.

sau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated alike by the desire to diminish, as far as depends on them, the inevitable evils of war;

And wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 6th July, 1906;

Have resolved to conclude a Convention for the purpose of revising the Convention of the 29th July, 1899, relative to this question, and have appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:

Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;

Son Excellence M. Horace Porter, ambassadeur extraordinaire;

Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;

Son Excellence David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;

M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;

M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;

M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:

Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

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[a] The names of the Plenipotentiaries in the President's proclamation appear in French only.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:
Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

Sa Majesté le Roi des Belges:
Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;
Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;
Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:
Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;
Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Sa Majesté l'Empereur de Chine:
Son Excellence M. Lou-Tseng-Tsiang, Son ambassadeur extraordinaire;
Son Excellence M. Tsien-Sun, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Le Gouverneur Provisoire de la République de Cuba:
M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;
Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.

Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y de Alsúa, chargé d'affaires.

Sa Majesté le Roi d'Espagne:
Son Excellence M. W. R. de Villa-Urrutia, sénateur, ancien ministre des affaires étrangères, Son ambassadeur extraordinaire et plénipotentiaire à Londres;
Son Excellence M. José de la Rica y Calvo, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
M. Gabriel Maura y Gamazo, comte de Mortera, député aux Cortès.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, juri-consulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à la Haye.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage.
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes—Continued.

Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre du conseil privé, ancien président de l'institut de droit international;

Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:

Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;

M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:

M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;

M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:

Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;

Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;

M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

Sa Majesté le Roi d'Italie:

Son Excellence le Comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne.

Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;

M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.

Sa Majesté l'Empereur du Japon:

Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et ministre plénipotentiaire;

Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:

Son Excellence M. Eyschen, Son ministre d'état, président du Gouvernement Grand Ducal;

M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.

Le Président des États-Unis Mexicains:

Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;

Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;

Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.

Son Altesse Royale le Prince de Monténégro:

Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris;

Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;

Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.

Sa Majesté le Roi de Norvège:

Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour d'arbitrage.

Le Président de la République de Panama:

M. Belisario Porras.

Le Président de la République du Paraguay:

Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;

M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.

Sa Majesté la Reine des Pays-Bas:

M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;

Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;

Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;

Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;

M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.

Le Président de la République du Pérou:

Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.

Sa Majesté Impériale le Schah de Perse:

Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;

Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi de Portugal et des Algarves, etc.:

Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;

Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.

Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, Son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.

Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.

Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.

Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjold, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.

Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état major général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.

Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.

Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Batlle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;

Le Président de la République Orientale de l'Uruguay—Continued.
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.
Le Président des Etats-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'affaires de la République à Berlin.
Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

Military hospital-ships, that is to say, ships constructed or assigned by States specially and solely with a view to assisting the wounded, sick, and shipwrecked, the names of which have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected, and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as warships as regards their stay in a neutral port.

ARTICLE II.

Hospital-ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their control while fitting out and on final departure.

ARTICLE III.

Hospital-ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, on condition that they are placed under the control of one of the belligerents, with the previous consent of their own Government and with the authorization of the belligerent himself, and that the latter has notified their name to his adversary at the commencement of or during hostilities, and in any case, before they are employed.

ARTICLE IV.

The ships mentioned in Articles I, II, and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The Governments undertake not to use these ships for any military purpose.

These vessels must in no wise hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a cer-

tain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible, the belligerents shall enter in the log of the hospital-ships the orders which they give them.

ARTICLE V.

Military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a-half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a metre and a-half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention, and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent under whose control they are placed.

Hospital-ships which, in the terms of Article IV, are detained by the enemy, must haul down the national flag of the belligerent to whom they belong.

The ships and boats above mentioned which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.

ARTICLE VI.

The distinguishing signs referred to in Article V can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.

ARTICLE VII.

In the case of a fight on board a war-ship, the sick-wards shall be respected and spared as far as possible.

The said sick-wards and the *matériel* belonging to them remain subject to the laws of war; they cannot, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded.

The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.

ARTICLE VIII.

Hospital-ships and sick-wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy.

The fact of the staff of the said ships and sick-wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.

Article IX.

Belligerents may appeal to the charity of the commanders of neutral merchant-ships, yachts, or boats to take on board and tend the sick and wounded.

Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.

Article X.

The religious, medical, and hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the Commander-in-chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, the same allowances and pay which are given to the staff of corresponding rank in their own navy.

Article XI.

Sailors and soldiers on board, when sick or wounded, as well as other persons officially attached to fleets or armies, whatever their nationality, shall be respected and tended by the captors.

Article XII.

Any war-ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital-ships, hospital-ships belonging to relief societies or to private individuals, merchant-ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.

Article XIII.

If sick, wounded, or shipwrecked persons are taken on board a neutral war-ship, every possible precaution must be taken that they do not again take part in the operations of the war.

Article XIV.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated cannot serve again while the war lasts.

ARTICLE XV.

The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral State and the belligerent States, be guarded by the neutral State so as to prevent them again taking part in the operations of the war.

The expenses of tending them in hospital and interning them shall be borne by the State to which the shipwrecked, sick, or wounded persons belong.

ARTICLE XVI.

After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill treatment.

They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.

ARTICLE XVII.

Each belligerent shall send, as early as possible, to the authorities of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.

The belligerents shall keep each other informed as to internments and transfers as well as to the admissions into hospital and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, &c., which are found in the captured ships, or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.

ARTICLE XVIII.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE XIX.

The Commanders-in-chief of the belligerent fleets must see that the above Articles are properly carried out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

ARTICLE XX.

The Signatory Powers shall take the necessary measures for bringing the provisions of the present Convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.

Article XXI.

The Signatory Powers likewise undertake to enact or to propose to their Legislatures, if their criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill-treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in Article V by vessels not protected by the present Convention.

They will communicate to each other, through the Netherland Government, the enactments for preventing such acts at the latest within five years of the ratification of the present Convention.

Article XXII.

In the case of operations of war between the land and sea forces of belligerents, the provisions of the present Convention do not apply except between the forces actually on board ship.

Article XXIII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

Article XXIV.

Non-Signatory Powers which have accepted the Geneva Convention of the 6th July, 1906, may adhere to the present Convention.

The Power which desires to adhere notifies its intention to the Netherland Government in writing, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Article XXV.

The present Convention, duly ratified, shall replace as between Contracting Powers, the Convention of the 29th July, 1899, for the

adaptation to maritime warfare of the principles of the Geneva Convention.

The Convention of 1899 remains in force as between the Powers which signed it but which do not also ratify the present Convention.

Article XXVI.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Article XXVII.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

Article XXVIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratification made in virtue of Article XXIII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XXIV, paragraph 2) or of denunciation (Article XXVII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. Pour l'Allemagne:	Marschall. Kriege.
2. Pour les Etats Unis d'Amérique:	Joseph H. Choate. Horace Porter. U. M. Rose. David Jayne Hill. C. S. Sperry. William I. Buchanan.
3. Pour l'Argentine:	Roque Saenz Peña. Luis M. Drago. C. Rúez Larreta.

4. Pour l'Autriche-Hongrie:	Mérey. Bon Macchio.
5. Pour la Belgique:	A. Beernaert. J. Van den Heuvel. Guillaume.
6. Pour la Bolivie:	Claudio Pinilla.
7. Pour le Brésil:	Ruy Barbosa. E. Lisbôa.
8. Pour la Bulgarie:	Général-Major Vinaroff. Iv. Karandjouloff.
9. Pour le Chili:	Domingo Gana. Augusto Matte. Carlos Concha.
10. Pour le Chine. Sous réserve de l'article 21:	Lu Tseng-tsiang. Tsien-sun.
11. Pour la Colombie:	Jorge Holguin. S. Perez Triana. M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante. Gonzalo de Quesada. Manuel Sanguily.
13. Pour le Danemark:	C. Brun.
14. Pour la République Dominicaine:	dr. Henriquez y Carvajal. Apolinar Tejera.
15. Pour l'Equateur:	Victor M. Rendon. E. Dorn y de Alsúa.
16. Pour l'Espagne:	W. R. de Villa Urrutia. José de la Rica y Calvo. Gabriel Maura.
17. Pour la France:	Léon Bourgeois. d'Estournelles de Constant. L. Renault. Marcellin Pellet.
18. Pour la Grande-Bretagne. Sous réserve des articles 6 et 21 et de la déclaration suivante: "En apposant leurs signatures à cette Convention les Plénipotentiaires Britanniques déclarent que le Gouvernement de Sa Majesté entend que l'application de l'article 12 se borne au seul cas des combattants recueillis pendant ou après un combat naval auquel ils auront pris part":	Edw. Fry. Ernest Satow. Reay. Henry Howard.
19. Pour la Grèce:	Cléon Rizo Rangabé. Georges Streit.
20. Pour le Guatémala:	José Tible Machado.
21. Pour le Haïti:	Dalbémar Jn Joseph. J. N. Léger. Pierre Hudicourt.

22. Pour l'Italie:	Pompilj. G. Fusinato.
23. Pour le Japon:	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen. Cte. de Villers.
25. Pour la Mexique:	G. A. Esteva. S. B. de Mier. F. L. de la Barra.
26. Pour le Monténégro:	Nelidow. Martens. N. Tcharykow.
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	J. Du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort. T. M. C. Asser. den Beer Poortugael. J. A. Röell. J. A. Loeff.
32. Pour le Pérou:	C. G. Candamo.
33. Pour la Perse. Sous réserve du droit reconnu par la Conférence de l'emploi du Lion et du Soleil rouge au lieu et à la place de la Croix Rouge.	Momtazos-Saltaneh M. Samad Khan. Sadigh ul Mulk M. Ahmed Khan.
34. Pour le Portugal.	Marquis de Soveral. Conde de Sélir. Alberto d'Oliveira.
35. Pour la Roumanie:	Edg. Mavrocordato.
36. Pour la Russie:	Nelidow. Martens. N. Tcharykow.
37. Pour le Salvador:	P. J. Mathieu. S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch. M. G. Milovanovitch. M. G. Militchevitch.
39. Pour le Siam:	Mom Chatidej Udom. C. Corragioni d'Orelli. Luang Bhüvanarth Narübal.
40. Pour la Suède:	K. H. L. Hammarskjöld. Joh. Hellner.
41. Pour la Suisse:	Carlin.
42. Pour la Turquie. Sous réserve du droit reconnu par la Conférence de la Paix de l'emploi du Croissant Rouge.	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordoñez.
44. Pour le Vénézuela:	J. Gil Fortoul.

XI.

1907.[a]

Convention Relative to Right of Capture in Naval War.

Concluded October 18, 1907; ratification advised by Senate March 12, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

Articles.

Chapter I.—*Postal correspondence.*

I. Inviolability of postal correspondence.
II. Exemption of neutral mail ships.

Chapter II.—*The exemption from capture of certain vessels.*

III. Fishing vessels.
IV. Religious, scientific, or philanthropic.

Chapter III.—*Regulations regarding the crews of enemy merchant ships captured by a belligerant.*

V. Captains, officers, and crews not prisoners of war.
VI. Conditions.
VII. Names to be notified.
VIII. Not applicable to ships taking part in hostilities.

Chapter IV.—*Final provisions.*

IX. Applicability of convention.
X. Ratification.
XI. Nonsignatory powers.
XII. When to come into force.
XIII. Denunciation.
XIV. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, the United States of America, Austria-Hungary, Denmark, Great Britain, Mexico, the Netherlands, Sweden, and Salvador.

King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Recognizing the necessity of more effectively ensuring than hitherto the equitable application of law to the international relations of maritime Powers in time of war;

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to commence codifying in regulations of general application the guarantees due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of Governments;

That, from henceforth, a certain number of rules may be made, without affecting the common law now in force with regard to the matters which that law has left unsettled;

Have appointed the following as their Plenipotentiaries:[a]

Sa Majesté l'Empereur d'Allemagne, roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

Le Président des États-Unis d'Amérique:

Son Excellence M. Joseph H. Choate, ambassadeur extraordinaire;

Son Excellence M. Horace Porter, ambassadeur extraordinaire;

Son Excellence M. Uriah M. Rose, ambassadeur extraordinaire;

Son Excellence M. David Jayne Hill, envoyé extraordinaire et ministre plénipotentiaire de la République à La Haye;

M. Charles S. Sperry, contre-amiral, ministre plénipotentiaire;

M. Georges B. Davis, général de brigade, chef de la justice militaire de l'armée fédérale, ministre plénipotentiaire;

M. William I. Buchanan, ministre plénipotentiaire.

Le Président de la République Argentine:

Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;

Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;

Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

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[a] The names of the Plenipotentiaries appear in the President's proclamation in French only.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:

Son Excellence M. Gaëtan Mérey de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire et plénipotentiaire;

Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

Sa Majesté le Roi des Belges:

Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;

Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;

Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

Le Président de la République de Bolivie:

Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;

Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:

Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;

Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:

M. Vrban Vinaroff, général-major de l'état-major, Son général à la suite;

M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:

Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;

Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;

Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Le Président de la République de Colombie:

M. Jorge Holguin, général;

M. Santiago Pérez Triana;

Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Le Gouverneur Provisoire de la République de Cuba:

M. Antonio Sanchez de Bustamante, professeur de droit international à l'université de la Havane, sénateur de la République;

Son Excellence M. Gonzalo de Quesada y Aróstegui, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;

M. Manuel Sanguily, ancien directeur de l'institut d'enseignement secondaire de la Havane, sénateur de la République.

Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y de Alsúa, chargé d'affaires.

Sa Majesté le Roi d'Espagne:
Son Excellence M. W. R. de Villa-Urrutia, sénateur, ancien ministre des affaires étrangères, Son ambassadeur extraordinaire et plénipotentiaire à Londres;
Son Excellence M. José de la Rica y Calvo, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
M. Gabriel Maura y Gamazo, comte de Mortera, député aux Cortès.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, F. G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre du conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Chéon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

Sa Majesté le Roi d'Italie:
Son Excellence le comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne, délégué plénipotentiaire;
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.

Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et ministre plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.

Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.

Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye et à Copenhague, membre de la cour d'arbitrage.

Le Président de la République de Panama:
M. Belisario Porras.

Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. du Monceau de Bergendal, consul de la République à Bruxelles.

Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.

Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.

Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.

Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.

Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;

Sa Majesté le Roi de Serbie—Continued.
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.
Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjold, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.
Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état major général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Battle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.
Le Président des Etats-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

Chapter I.—*Postal Correspondence.*

Article I.

The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.

Article II.

The inviolability of postal correspondence does not exempt a neutral mail-ship from the laws and customs of maritime war as to

neutral merchant-ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.

CHAPTER II.—*The Exemption from Capture of certain Vessels.*

ARTICLE III.

Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo.

They cease to be exempt as soon as they take any part whatever in hostilities.

The Contracting Powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.

ARTICLE IV.

Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture.

CHAPTER III.—*Regulations regarding the Crews of Enemy Merchant-ships Captured by a Belligerent.*

ARTICLE V.

When an enemy merchant-ship is captured by a belligerent, such of its crew as are nationals of a neutral State are not made prisoners of war.

The same rule applies in the case of the captain and officers likewise nationals of a neutral State, if they promise formally in writing not to serve on an enemy ship while the war lasts.

ARTICLE VI.

The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, on condition that they make a formal promise in writing, not to undertake, while hostilities last, any service connected with the operations of the war.

ARTICLE VII.

The names of the persons retaining their liberty under the conditions laid down in Article V, paragraph 2, and in Article VI, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

ARTICLE VIII.

The provisions of the three preceding Articles do not apply to ships taking part in the hostilities.

CHAPTER IV.—*Final Provisions.*

ARTICLE IX.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE X.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notificatiton.

ARTICLE XI.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XII.

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification has been received by the Netherland Government.

ARTICLE XIII.

In the event of one the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XIV.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article X, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XI, paragraph 2) or of denunciation (Article XIII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

1. Pour l'Allemagne:	MARSCHALL. KRIEGE.
2. Pour les Etats Unis d'Amérique:	JOSEPH H. CHOATE. HORACE PORTER. U. M. ROSE. DAVID JAYNE HILL. C. S. SPERRY. WILLIAM I. BUCHANAN.
3. Pour l'Argentine:	ROQUE SAENZ PEÑA. LUIS M. DRAGO. C. RÚES LARRETA.
4. Pour l'Autriche-Hongrie:	MÉREY. BON MACCHIO.
5. Pour la Belgique:	A. BEERNAERT. VAN DEN HEUVEL. GUILLAUME.
6. Pour la Bolivie:	CLAUDIO PINILLA.
7. Pour le Brésil:	RUY BARBOSA. E. LISBÔA.
8. Pour la Bulgarie:	GÉNÉRAL-MAJOR VINAROFF. IV. KARANDJOULOFF.
9. Pour le Chili:	DOMINGO GANA. AUGUSTO MATTE. CARLOS CONCHA.
10. Pour la Chine:	
11. Pour la Colombie:	JORGE HOLGUIN. S. PEREZ TRIANA. M. VARGAS.
12. Pour la République de Cuba:	ANTONIO S. DE BUSTAMANTE. GONZALO DE QUESADA. MANUEL SANGUILY.
13. Pour le Danemark:	C. BRUN.
14. Pour la République Dominicaine:	DR. HENRIQUEZ Y CARVAJAL. APOLINAR TEJERA.

15. Pour l'Equateur:	Victor M. Rendon.
	E. Dorn y de Alsúa.
16. Pour l'Espagne:	W. R. de Villa Urrutia.
	José de la Rica y Calvo.
	Gabriel Maura.
17. Pour la France:	Léon Bourgeois.
	d'Estournelles de Constant.
	L. Renault.
	Marcellin Pellet.
18. Pour la Grande-Bretagne:	Edw. Fry.
	Ernest Satow.
	Reay.
	Henry Howard.
19. Pour la Grèce:	Cléon Rizo Rangabé.
	Georges Streit.
20. Pour le Guatémala:	José Tible Machado.
21. Pour le Haïti:	Dalbémar Jn Joseph.
	J. N. Léger.
	Pierre Hudicourt.
22. Pour l'Italie:	Pompilj.
	G. Fusinato.
23. Pour le Japon:	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen.
	Cte de Villers.
25. Pour le Mexique:	G. A. Esteva.
	S. B. de Mier.
	F. L. de la Barra.
26. Pour le Monténégro:	
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	J. Du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort.
	T. M. C. Asser.
	den Beer Poortugael.
	J. A. Röell.
	J. A. Loeff.
32. Pour le Pérou:	C. G. Candamo.
33. Pour la Perse:	Momtazos-Saltaneh M. Samad Khan.
	Sadigh ul Mulk M. Ahmed Khan.
34. Pour le Portugal:	Marquis de Soveral.
	Conde de Sélir.
	Alberto d'Oliveira.
35. Pour la Roumanie:	Edg. Mavrocordato.
36. Pour la Russie:	
37. Pour le Salvador:	P. J. Matheu.
	S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch.
	M. G. Milovanovitch.
	M. G. Militchevitch.

39. Pour le Siam:	Mom Chatidej Udom. C. Corragioni d'Orelli. Luang Bhüvanarth Narübal.
40. Pour la Suède:	Joh. Hellner.
41. Pour la Suisse:	Carlin.
42. Pour la Turquie:	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordoñez.
44. Pour le Vénézuela:	J. Gil Fortoul.

XIII.

1907.[a]

Convention Concerning the Rights and Duties of Neutral Powers in Naval War.

Concluded October 18, 1907; adherence advised by Senate (excepting as to article 23) April 17, 1908; ratified by the President February 23, 1909; ratifications deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

Articles.

I. Violations of neutrality.
II. What constitutes violation.
III. Prize.
IV. Prize court.
V. Erection of wireless telegraphy.
VI. War-ship ammunitions, etc.
VII. Export of arms, etc.
VIII. Fitting or arming of vessels.
IX. Neutralities between belligerents.
X. Passage of war ships of belligerents.
XI. Pilots.
XII. Belligerents of war ships in ports of neutrals.
XIII. Notification to depart.
XIV. Exception in case of damage in stress of weather.
XV. Number of war ships in neutral ports.
XVI. Vessels of both belligerents in neutral ports.
XVII. Repairs in neutral ports.
XVIII. Replenishing of war material.
XIX. Revictualing.
XX. Replenishing fuel.
XXI. Prizes.
XXII. Release of prizes.
XXIII. Sequestration of prizes.
XXIV. Failure to leave on notification.
XXV. Surveillance.
XXVI. Exercise of rights not to be considered unfriendly acts.
XXVII. Laws, proclamations to be communicated.
XXVIII. Applicability of convention.
XXIX. Ratification.
XXX. Nonsignatory powers.
XXXI. When to come into force.
XXXII. Denunciation.
XXXIII. Register of ratifications.

[Translation.]

His Majesty the German Emperor, King of Prussia; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; the President of the Republic of Colombia; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; the President

[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by Germany, Austria-Hungary, Denmark, Mexico, the Netherlands, Russia, Sweden, and Salvador. Adherence of United States deposited November 27, 1909; adhered to by China.

of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral Powers and belligerent Powers, and to anticipating the difficulties to which such divergence of views might give rise;

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeniably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present Convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the Powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral Powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral Power, except in a case where experience has shown the necessity for such change for the protection of the rights of that Power;

Have agreed to observe the following common rules, which cannot however modify provisions laid down in existing general Treaties, and have appointed as their Plenipotentiaries, namely:[a]

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:

Son Excellence le baron Marschall de Bieberstein, Son ministre d'état, Son ambassadeur extraordinaire et plénipotentiaire à Constantinople;

M. le dr. Johannes Kriege, Son envoyé en mission extraordinaire à la présente Conférence, Son conseiller intime de légation et jurisconsulte au ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage.

[a] The names of the Plenipotentiaries appear in the President's proclamation in French only.

Le Président de la République Argentine:
Son Excellence M. Roque Saenz Peña, ancien ministre des affaires étrangères, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Luis M. Drago, ancien ministre des affaires étrangères et des cultes de la République, député national, membre de la cour permanente d'arbitrage;
Son Excellence M. Carlos Rodriguez Larreta, ancien ministre des affaires étrangères et des cultes de la République, membre de la cour permanente d'arbitrage.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:
Son Excellence M. Gaëtan Mérey, de Kapos-Mére, Son conseiller intime, Son ambassadeur extraordinaire plénipotentiaire;
Son Excellence M. le baron Charles de Macchio, Son envoyé extraordinaire et ministre plénipotentiaire à Athènes.

Sa Majesté le Roi des Belges:
Son Excellence M. Beernaert, Son ministre d'état, membre de la chambre des représentants, membre de l'institut de France et des académies Royales de Belgique et de Roumanie, membre d'honneur de l'institut de droit international, membre de la cour permanente d'arbitrage;
Son Excellence M. J. Van den Heuvel, Son ministre d'état, ancien ministre de la justice;
Son Excellence M. le baron Guillaume, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye, membre de l'académie Royale de Roumanie.

Le Président de la République de Bolivie:
Son Excellence M. Claudio Pinilla, ministre des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Fernando E. Guachalla, ministre plénipotentiaire à Londres.

Le Président de la République des États-Unis du Brésil:
Son Excellence M. Ruy Barbosa, ambassadeur extraordinaire et plénipotentiaire, membre de la cour permanente d'arbitrage;
Son Excellence M. Eduardo F. S. dos Santos Lisbôa, envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Prince de Bulgarie:
M. Vrban Vinaroff général-major de l'état-major, Son général à la suite;
M. Ivan Karandjouloff, procureur-général de la cour de cassation.

Le Président de la République de Chili:
Son Excellence M. Domingo Gana, envoyé extraordinaire et ministre plénipotentiaire de la République à Londres;
Son Excellence M. Augusto Matte, envoyé extraordinaire et ministre plénipotentiaire de la République à Berlin;
Son Excellence M. Carlos Concha, ancien ministre de la guerre, ancien président de la chambre des députés, ancien envoyé extraordinaire et ministre plénipotentiaire à Buenos Ayres.

Le Président de la République de Colombie:
M. Jorge Holguin, général;
M. Santiago Pérez Triana;
Son Excellence M. Marceliano Vargas, général, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris.

Sa Majesté le Roi de Danemark:
Son Excellence M. Constantin Brun, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à Washington;
M. Christian Frederik Scheller, contre-amiral;
M. Axel Vedel, Son chambellan, chef de section au ministère Royal des affaires étrangères.

Le Président de la République Dominicaine:
M. Francisco Henriquez y Carvajal, ancien secrétaire d'état au ministère des affaires étrangères de la République, membre de la cour permanente d'arbitrage;
M. Apolinar Tejera, recteur de l'institut professionnel de la République, membre de la cour permanente d'arbitrage.

Le Président de la République de l'Équateur:
Son Excellence M. Victor Rendón, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Madrid;
M. Enrique Dorn y de Alsúa, chargé d'affaires.

Le Président de la République Française:
Son Excellence M. Léon Bourgeois, ambassadeur extraordinaire de la République, sénateur, ancien président du conseil des ministres, ancien ministre des affaires étrangères, membre de la cour permanente d'arbitrage;
M. le baron d'Estournelles de Constant, sénateur, ministre plénipotentiaire de première classe, membre de la cour permanente d'arbitrage;
M. Louis Renault, professeur à la faculté de droit à l'université de Paris, ministre plénipotentiaire honoraire, jurisconsulte du ministère des affaires étrangères, membre de l'institut de France, membre de la cour permanente d'arbitrage;
Son Excellence M. Marcellin Pellet, envoyé extraordinaire et ministre plénipotentiaire de la République Française à La Haye.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:
Son Excellence the Right Honourable Sir Edward Fry, G. C. B., membre du conseil privé, Son ambassadeur extraordinaire, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Sir Ernest Mason Satow, G. C. M. G., membre du conseil privé, membre de la cour permanente d'arbitrage;
Son Excellence the Right Honourable Donald James Mackay Baron Reay, G. C. S. I., G. C. I. E., membre de conseil privé, ancien président de l'institut de droit international;
Son Excellence Sir Henry Howard, K. C. M. G., C. B., Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Sa Majesté le Roi des Hellènes:
Son Excellence M. Cléon Rizo Rangabé, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;

Sa Majesté le Roi des Hellènes—Continued.
M. Georges Streit, professeur de droit international à l'université d'Athènes, membre de la cour permanente d'arbitrage.

Le Président de la République de Guatémala:
M. José Tible Machado, chargé d'affaires de la République à La Haye et à Londres, membre de la cour permanente d'arbitrage;
M. Enrique Gómez Carillo, chargé d'affaires de la République à Berlin.

Le Président de la République d'Haïti:
Son Excellence M. Jean Joseph Dalbémar, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. J. N. Léger, envoyé extraordinaire et ministre plénipotentiaire de la République à Washington;
M. Pierre Hudicourt, ancien professeur de droit international public, avocat au barreau de Port au Prince.

Sa Majesté le Roi d'Italie:
Son Excellence le comte Joseph Tornielli Brusati di Vergano, sénateur du Royaume, ambassadeur de Sa Majesté le Roi à Paris, membre de la cour permanente d'arbitrage, président de la délégation Italienne;
Son Excellence M. le commandeur Guido Pompilj, député au parlement, sous-secrétaire d'état au ministère Royal des affaires étrangères;
M. le commandeur Guido Fusinato, conseiller d'état, député au parlement, ancien ministre de l'instruction.

Sa Majesté l'Empereur du Japon:
Son Excellence M. Keiroku Tsudzuki, Son ambassadeur extraordinaire et ministre plénipotentiaire;
Son Excellence M. Aimaro Sato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.

Son Altesse Royale le Grand Duc de Luxembourg, Duc de Nassau:
Son Excellence M. Eyschen, Son ministre d'état, président du Gouvernement Grand Ducal;
M. le comte de Villers, chargé d'affaires du Grand-Duché à Berlin.

Le Président des États-Unis Mexicains:
Son Excellence M. Gonzalo A. Esteva, envoyé extraordinaire et ministre plénipotentiaire de la République à Rome;
Son Excellence M. Sebastian B. de Mier, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
Son Excellence M. Francisco L. de la Barra, envoyé extraordinaire et ministre plénipotentiaire de la République à Bruxelles et à La Haye.

Son Altesse Royale le Prince de Monténégro:
Son Excellence M. Nelidow, conseiller privé Impérial actuel, ambassadeur de Sa Majesté l'Empereur de Toutes les Russies à Paris:
Son Excellence M. de Martens, conseiller privé Impérial, membre permanent du conseil du ministère Impérial des affaires étrangères de Russie;
Son Excellence M. Tcharykow, conseiller d'état Impérial actuel, envoyé extraordinaire et ministre plénipotentiaire de Sa Majesté l'Empereur de Toutes les Russies à La Haye.

Sa Majesté le Roi de Norvège:
Son Excellence M. Francis Hagerup, ancien président du conseil, ancien professeur de droit, Son envoyé extraordinaire et ministre plénipotentiaire à la Haye et à Copenhague, membre de la cour d'arbitrage.
Le Président de la République de Panama:
M. Belisario Porras.
Le Président de la République du Paraguay:
Son Excellence M. Eusebio Machaïn, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris;
M. le comte G. Du Monceau de Bergendal, consul de la République à Bruxelles.
Sa Majesté la Reine des Pays-Bas:
M. W. H. de Beaufort, Son ancien ministre des affaires étrangères, membre de la seconde chambre des états-généraux;
Son Excellence M. T. M. C. Asser, Son ministre d'état, membre du conseil d'état, membre de la cour permanente d'arbitrage;
Son Excellence le jonkheer J. C. C. den Beer Poortugael, lieutenant-général en retraite, ancien ministre de la guerre, membre du conseil d'état;
Son Excellence le jonkheer J. A. Röell, Son aide de camp en service extraordinaire, vice-amiral en retraite, ancien ministre de la marine;
M. J. A. Loeff, Son ancien ministre de la justice, membre de la seconde chambre des états-généraux.
Le Président de la République du Pérou:
Son Excellence M. Carlos G. Candamo, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris et à Londres, membre de la cour permanente d'arbitrage.
Sa Majesté Impériale le Schah de Perse:
Son Excellence Samad Khan Momtazos Saltaneh, Son envoyé extraordinaire et ministre plénipotentiaire à Paris, membre de la cour permanente d'arbitrage;
Son Excellence Mirza Ahmed Khan Sadigh Ul Mulk, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté le Roi de Portugal et des Algarves, etc.:
Son Excellence M. le marquis de Soveral, Son conseiller d'état, pair du Royaume, ancien ministre des affaires étrangères, Son envoyé extraordinaire et ministre plénipotentiaire à Londres, Son ambassadeur extraordinaire et plénipotentiaire;
Son Excellence M. le comte de Selir, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye;
Son Excellence M. Alberto d'Oliveira, Son envoyé extraordinaire et ministre plénipotentiaire à Berne.
Sa Majesté le Roi de Roumanie:
Son Excellence M. Alexandre Beldiman, Son envoyé extraordinaire et ministre plénipotentiaire à Berlin;
Son Excellence M. Edgar Mavrocordato, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Sa Majesté l'Empereur de Toutes les Russies:
Son Excellence M. Nelidow, Son conseiller privé actuel, son ambassadeur à Paris;
Son Excellence M. de Martens, Son conseiller privé, membre permanent du conseil du ministère Impérial des affaires étrangères, membre de la cour permanente d'arbitrage;

Sa Majesté l'Empereur de Toutes les Russies—Continued.
Son Excellence M. Tcharykow, Son conseiller d'état actuel, Son chambellan, Son envoyé extraordinaire et ministre plénipotentiaire à La Haye.
Le Président de la République du Salvador:
M. Pedro I. Matheu, chargé d'affaires de la République à Paris, membre de la cour permanente d'arbitrage;
M. Santiago Perez Triana, chargé d'affaires de la République à Londres.
Sa Majesté le Roi de Serbie:
Son Excellence M. Sava Grouïtch, général, président du conseil d'état;
Son Excellence M. Milovan Milovanovitch, Son envoyé extraordinaire et ministre plénipotentiaire à Rome, membre de la cour permanente d'arbitrage;
Son Excellence M. Michel Militchevitch, Son envoyé extraordinaire et ministre plénipotentiaire à Londres et à La Haye.
Sa Majesté le Roi de Siam:
Mom Chatidej Udom, major-général;
M. C. Corragioni d'Orelli, Son conseiller de légation;
Luang Bhuvanarth Narübal, capitaine.
Sa Majesté le Roi de Suède, des Goths et des Vendes:
Son Excellence M. Knut Hjalmar Leonard Hammarskjöld, Son ancien ministre de la justice, Son envoyé extraordinaire et ministre plénipotentiaire à Copenhague, membre de la cour permanente d'arbitrage;
M. Johannes Hellner, Son ancien ministre sans portefeuille, ancien membre de la cour suprême de Suède, membre de la cour permanente d'arbitrage.
Le Conseil Fédéral Suisse:
Son Excellence M. Gaston Carlin, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse à Londres et à La Haye;
M. Eugène Borel, colonel d'état major-général, professeur à l'université de Genève;
M. Max Huber, professeur de droit à l'université de Zürich.
Sa Majesté l'Empereur des Ottomans:
Son Excellence Turkhan Pacha, Son ambassadeur extraordinaire, ministre de l'evkaf;
Son Excellence Rechid Bey, Son ambassadeur à Rome;
Son Excellence Mehemmed Pacha, vice-amiral.
Le Président de la République Orientale de l'Uruguay:
Son Excellence M. José Battle y Ordoñez, ancien président de la République, membre de la cour permanente d'arbitrage;
Son Excellence M. Juan P. Castro, ancien président du sénat, envoyé extraordinaire et ministre plénipotentiaire de la République à Paris, membre de la cour permanente d'arbitrage.
Le Président des Etats-Unis de Vénézuéla:
M. José Gil Fortoul, chargé d'affaires de la République à Berlin.

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

Article I.

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from

any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

ARTICLE II.

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

ARTICLE III.

When a ship has been captured in the territorial waters of a neutral Power, this Power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

If the prize is not in the jurisdiction of the neutral Power, the captor Government, on the demand of that Power, must liberate the prize with its officers and crew.[a]

ARTICLE IV.

A Prize Court cannot be set up by a belligerent on neutral territory or on a vessel in neutral waters.

ARTICLE V.

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicataing with the belligerent forces on land or sea.

ARTICLE VI.

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.

ARTICLE VII.

A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

ARTICLE VIII.

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile, operations, against a Power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

ARTICLE IX.

A neutral Power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

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[a] See Senate resolution of ratification, page 2366.

Nevertheless, a neutral Power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

ARTICLE X.

The neutrality of a Power is not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

ARTICLE XI.

A neutral Power may allow belligerent war-ships to employ its licensed pilots.

ARTICLE XII.

In the absence of special provisions to the contrary in the legislation of a neutral Power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said Power for more than twenty-four hours, except in the cases covered by the present Convention.

ARTICLE XIII.

If a Power which has been informed of the outbreak of hostilities learns that a belligerent war-ship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

ARTICLE XIV.

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters, do not apply to war-ships devoted exclusively to religious, scientific, or philanthropic purposes.

ARTICLE XV.

In the absence of special provisions to the contrary in the legislation of a neutral Power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that Power simultaneously shall be three.

ARTICLE XVI.

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant-ship flying the flag of its adversary.

ARTICLE XVII.

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The local authorities of the neutral Power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

ARTICLE XVIII.

Belligerent war-ships may not make use of neutral ports, roadsteads, on territorial waters for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

ARTICLE XIX.

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

If, in accordance with the law of the neutral Power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

ARTICLE XX.

Belligerent war-ships which have shipped fuel in a port belonging to a neutral Power may not within the succeeding three months replenish their supply in a port of the same Power.

ARTICLE XXI.

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral Power must order it to leave at once; should it fail to obey, the neutral Power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

ARTICLE XXII.

A neutral Power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article XXI.

Article XXIII.[a]

A neutral Power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a Prize Court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

Article XXIV.

If, notwithstanding the notification of the neutral Power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral Power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

When a belligerent ship is detained by a neutral Power, the officers and crew are likewise detained.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

Article XXV.

A neutral Power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above Articles occurring in its ports or roadsteads or in its waters.

Article XXVI.

The exercise by a neutral Power of the rights laid down in the present Convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the Article relating thereto.

Article XXVII.

The Contracting Powers shall communicate to each other in due course all Laws, Proclamations, and other enactments regulating in their respective countries the status of belligerent war-ships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other Contracting Powers.

Article XXVIII.

The provisions of the present Convention do not apply except to the Contracting Powers, and then only if all the belligerents are parties to the Convention.

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[a] Not adhered to by United States (see page 2366).

Article XXIX.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the ratifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

Article XXX.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Article XXXI.

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their decision has been received by the Netherland Government.

Article XXXII.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has been made to the Netherland Government.

Article XXXIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by Article XXIX, paragraphs 3 and 4, as well as the date on which the notifica-

tions of adhesion (Article XXX, paragraph 2) or of denunciation (Article XXXII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

1. Pour l'Allemagne. Sous réserve des articles 11, 12, 13 et 20:	Marschall. Kriege.
2. Pour les États Unis d'Amérique:	
3. Pour l'Argentine:	Roque Saenz Peña. Luis M. Drago. C. Rúez Larreta.
4. Pour l'Autriche-Hongrie:	Mérey. Bon Macchio.
5. Pour la Belgique:	A. Beernaert. Van den Heuvel. Guillaume.
6. Pour la Bolivie:	Claudio Pinilla.
7. Pour le Brésil:	Ruy Barbosa. E. Lisbôa.
8. Pour la Bulgarie:	Général-Major Vinaroff. Iv. Karandjouloff.
9. Pour le Chili:	Domingo Gana. Augusto Matte. Carlos Concha.
10. Pour la Chine:	
11. Pour la Colombie:	Jorge Holguin. S. Perez Triana. M. Vargas.
12. Pour la République de Cuba:	
13. Pour le Danemark:	A. Vedel.
14. Pour la République Dominicaine. Avec réserve sur l'article douze:	dr. Henriquez y Carvajal. Apolinar Tejera.
15. Pour l'Equateur:	Victor M. Rendón. E. Dorn y de Alsúa.
16. Pour l'Espagne:	
17. Pour la France:	Léon Bourgeois. d'Estournelles de Constant. L. Renault. Marcellin Pellet.
18. Pour la Grande-Bretagne. Sous réserve des articles 19 et 23:	Edw. Fry. Ernest Satow. Reay. Henry Howard.
19. Pour la Grèce:	Cléon Rizo Rangabé. Georges Streit.

20. Pour le Guatémala:	José Tible Machado.
21. Pour le Hïti:	Dalbémar Jn Joseph.
	J. N. Léger.
	Pierre Hudicourt.
22. Pour l'Italie:	Pompilj.
	G. Fusinato.
23. Pour le Japan: Avec réserve des articles 19 et 23.	Aimaro Sato.
24. Pour le Luxembourg:	Eyschen.
	Cte de Villers.
25. Pour le Mexique:	G. A. Esteva.
	S. B. de Mier.
	F. L. de la Barra.
26. Pour le Monténégro:	Nélidow.
	Martens.
	N. Tcharykow.
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. Hagerup.
29. Pour le Panama:	B. Porras.
30. Pour le Paraguay:	G. Du Monceau.
31. Pour les Pays-Bas:	W. H. de Beaufort.
	T. M. C. Asser.
	den Beer Poortugael.
	J. A. Röell.
	J. A. Loeff.
32. Pour le Pérou:	C. G. Candamo.
33. Pour la Perse. Sous réserve des articles, 12, 19 et 21.	Momtazos-Saltaneh M. Samad Khan.
	Sadigh ul Mulk M. Ahmed Khan.
34. Pour le Portugal:	Alberto d'Oliveira.
35. Pour la Roumanie:	Edg. Mavrocordato.
36. Pour la Russie:	Nélidow.
	Martens.
	N. Tcharykow.
37. Pour le Salvador:	P. J. Matheu.
	S. Perez Triana.
38. Pour la Serbie:	S. Grouïtch.
	M. G. Milovanovitch.
	M. G. Militchevitch.
39. Pour le Siam. Sous réserve des articles 12, 19 et 23.	Mom Chatidej Udom.
	C. Corragioni d'Orelli.
	Luang Bhüvanarth Narübal.
40. Pour la Suède:	Joh. Hellner.
41. Pour la Suisse:	Carlin.
42. Pour la Turquie. Sous réserve de la déclaration concernant l'article 10 portée au procès-verbal de la 8° séance plénière de la Conférence du 9 octobre 1907.	Turkhan.
43. Pour l'Uruguay:	José Batlle y Ordoñez.
44. Pour le Vénézuela:	J. Gil Fortoul.

RESOLUTION OF RATIFICATION BY THE SENATE OF A CONVENTION CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR, SIGNED AT THE HAGUE, 1907.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the adherence of the United States to a convention adopted by the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, concerning the rights and duties of neutral powers in naval war, reserving and excluding, however, Article XXIII thereof, which is in the following words:

A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

Resolved, further, That the United States adheres to this convention with the understanding that the last clause of Article III implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction.

XIV

1907.[a]

DECLARATION PROHIBITING THE DISCHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS.

Concluded October 18, 1907; ratification advised by Senate March 10, 1908; ratified by the President February 23, 1909; ratification deposited with the Netherlands Government November 27, 1909; proclaimed February 28, 1910.

[Translation.]

DECLARATION.

The Undersigned, Plenipotentiaries of the Powers invited to the Second International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868, and being desirous of renewing the declaration of The Hague of the 29th July, 1899, which has now expired,

Declare:

The Contracting Powers agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

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[a] The ratifications of this convention were deposited at The Hague November 27, 1909, by the United States of America, China, Great Britain, The Netherlands, Bolivia, and Salvador.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the Contracting Powers.

Non-Signatory Powers may adhere to the present Declaration. To do so, they must make known their adhesion to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only have affect in regard to the notifying Power.

In faith whereof the Plenipotentiaries have appended their signatures to the present Declaration.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

1. Pour l'Allemagne:	
2. Pour les États Unis d'Amérique:	Joseph H. Choate. Horace Porter. U. M. Rose. David Jayne Hill. C. S. Sperry. William I. Buchanan.
3. Pour l'Argentine:	Luis M. Drago.
4. Pour l'Autriche-Hongrie:	Mérey. Bon Macchio.
5. Pour la Belgique:	A. Beernaert. Van den Heuvel. Guillaume.
6. Pour la Bolivie:	Claudio Pinilla.
7. Pour le Brésil:	Ruy Barbosa. E. Lisbôa.
8. Pour la Bulgarie:	Général-Major Vinaroff. Iv. Karandjouloff.
9. Pour Chili:	
10. Pour la Chine:	Loutsengtsiang. Tsiensun.
11. Pour la Colombie:	Jorge Holguin. S. Perez Triana. M. Vargas.
12. Pour la République de Cuba:	Antonio S. de Bustamante. Gonzalo de Quesada. Manuel Sanguily.

13. Pour le Danemark:	
14. Pour la République Dominicaine:	DR. HENRIQUEZ Y CARVAJAL.
	APOLINAR TEJERA.
15. Pour l'Equateur:	VICTOR M. RENDÓN.
	E. DORN Y DE ALSÚA.
16. Pour l'Espagne:	
17. Pour la France:	
18. Pour la Grande-Bretagne:	EDW. FRY.
	ERNEST SATOW.
	REAY.
	HENRY HOWARD.
19. Pour la Grèce:	CLÉON RIZO RANGABÉ.
	GEORGES STREIT.
20. Pour le Guatémala:	
21. Pour le Haïti:	DALBÉMAR JN JOSEPH.
	J. N. LÉGER.
	PIERRE HUDICOURT.
22. Pour l'Italie:	
23. Pour le Japon:	
24. Pour le Luxembourg:	EYSCHEN.
	CTE. DE VILLERS.
25. Pour le Mexique:	
26. Pour le Monténegro:	
27. Pour le Nicaragua:	
28. Pour la Norvège:	F. HAGERUP.
29. Pour le Panama:	B. PORRAS.
30. Pour le Paraguay:	
31. Pour les Pays-Bas:	W. H. DE BEAUFORT.
	T. M. C. ASSER.
	DEN BEER POORTUGAEL.
	J. A. RÖELL.
	J. A. LOEFF.
32. Pour le Pérou:	C. G. CANDAMO.
33. Pour la Perse:	MOMTAZOS-SALTANEH M. SAMAD KHAN.
	SADIGH UL MULK M. AHMED KHAN.
34. Pour le Portugal:	MARQUIS DE SOVERAL.
	CONDE DE SÉLIR.
	ALBERTO D'OLIVEIRA.
35. Pour la Roumanie:	
36. Pour la Russie:	
37. Pour le Salvador:	P. J. MATHEU.
	S. PEREZ TRIANA.
38. Pour la Serbie:	
39. Pour le Siam:	MOM CHATIDEJ UDOM.
	C. CORRAGIONI D'ORELLI.
	LUANG BHUVANARTH NARÜBAL.
40. Pour la Suède:	
41. Pour la Suisse:	CARLIN.
42. Pour la Turquie:	TURKHAN.
43. Pour l'Uruguay:	JOSÉ BATLLE Y ORDOÑEZ.
44. Pour le Vénézuela:	

1907.[a]

FINAL ACT OF THE SECOND INTERNATIONAL PEACE CONFERENCE.

THE FINAL ACT OF THE SECOND INTERNATIONAL PEACE CONFERENCE, AND THE ANNEX ATTACHED THERETO, ADOPTED AT THE HAGUE DURING THE SESSIONS OF THE CONFERENCE.

The Second International Peace Conference, proposed in the first instance by the President of the United States of America, having been convoked, on the invitation of His Majesty the Emperor of All the Russias, by Her Majesty the Queen of the Netherlands, assembled on the 15th June, 1907, at The Hague, in the Hall of the Knights, for the purpose of giving a fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899.

The following Powers took part in the Conference, and appointed the Delegates named below:—

Germany:

His Excellency Baron Marschall de Bieberstein, Minister of State, Imperial Ambassador at Constantinople, First Delegate Plenipotentiary;

M. Kriege, Imperial Envoy on Extraordinary Mission at the present Conference, Privy Councillor of Legation and Legal Adviser to the Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Rear-Admiral Siegel, Naval Attaché to the Imperial Embassy at Paris, Naval Delegate;

Major-General de Gündell, Quarter-Master General of the General Staff of the Royal Prussian Army, Military Delegate;

M. Zorn, Professor to the Faculty of Law at the University of Bonn, Judicial Privy Councillor, Member of the Prussian Upper Chamber, and Crown Syndic, Scientific Delegate;

M. Göppert, Councillor of Legation and Councillor attached to the Department for Foreign Affairs, Assistant Delegate;

M. Retzmann, Lieutenant-Commander on the Naval General Staff, Assistant Naval Delegate.

The United States of America:

His Excellency Mr. Joseph H. Choate, ex-Ambassador at London, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Horace Porter, ex-Ambassador at Paris, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. David Jayne Hill, ex-Assistant Secretary of State, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Rear-Admiral Charles S. Sperry, ex-President of the Naval War College, Minister Plenipotentiary, Delegate Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the United States' Army, Minister Plenipotentiary, Delegate Plenipotentiary;

Mr. William I. Buchanan, ex-Minister at Buenos Ayres, ex-Minister at Panamá, Minister Plenipotentiary, Delegate Plenipotentiary;

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[a] Translation submitted by the Department of State to the Senate with second Hague conference treaties, February 27, 1908.

The United States of America—Continued.
Mr. James Brown Scott, Solicitor for the Department of State, Technical Delegate;
Mr. Charles Henry Butler, Reporter of the Supreme Court, Technical Delegate.

The Argentine Republic:
His Excellency M. Roque Saenz Peña, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
His Excellency M. Luis M. Drago, ex-Minister for Foreign Affairs, Deputy Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
His Excellency M. Carlos Rodríguez Larreta, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
General Francisco Reynolds, Military Attaché at Berlin, Technical Delegate;
Captain Juan A. Martin, ex-Minister of Marine, Naval Attaché at London, Technical Delegate.

Austria-Hungary:
His Excellency M. Gaëten Mérey de Kapos-Mére, Privy Councillor of His Imperial and Royal Apostolic Majesty, Ambassador Extraordinary and Plenipotentiary, First Delegate Plenipotentiary;
His Excellency Baron Charles de Macchio, Envoy Extraordinary and Minister Plenipotentiary at Athens, Second Delegate Plenipotentiary;
M. Henri Lammasch, Professor at the University of Vienna, Aulic Councillor, Member of the Austrian Upper Chamber of the Reichsrath, Member of the Permanent Court of Arbitration, Scientic Delegate;
M. Antoine Haus, Rear-Admiral, Naval Delegate;
Baron Wladimir Giesl de Gieslingen, Major-General, Military Plenipotentiary at the Imperial and Royal Embassy at Constantinople and at the Imperial and Royal Legation at Athens, Military Delegate;
The Chevalier Othon de Weil, Aulic and Ministerial Councillor at the Ministry of the Imperial and Royal Household and of Foreign Affairs, Delegate;
M. Jules Szilassy de Szilas et Pilis, Councillor of Legation, Delegate;
M. Emile Konek de Norwall, Naval Lieutenant of the First Class, Delegate Attached.

Belgium:
His Excellency M. A. Beernaert, Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honorary Member of the Institute of International Law, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
His Excellency M. J. van den Heuvel, Minister of State, ex-Minister of Justice, Delegate Plenipotentiary;
His Excellency Baron Guillaume, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania, Delegate Plenipotentiary.

Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs, Member of the Permanent Court of Aribtration, Delegate Plenipotentiary;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London, Delegate Plenipotentiary.

Brazil:

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Vice-President of the Senate, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary:

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Pleniptentiary at The Hague, Delegate Plenipotentiary;

Colonel Roberto Trompowsky Leitâo de Almeida, Military Attaché at The Hague, Technical Delegate;

Commander Tancredo Burlamaqui de Moura, Technical Delegate.

Bulgaria:

Major-General on the Staff Vrban Vinaroff, General *à la suite*, First Delegate Plenipotentiary;

M. Ivan Karandjouloff, Procureur-Général of the Court of Cassation, Second Delegate Plenipotentiary;

Commander S. Dimitrieff, Chief of the Staff of the Bulgarian Flotilla, Delegate.

Chile:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary at London, Delegate Plenipotentiary.

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary.

His Excellency M. Carlos Concha, ex-Minister of War, ex-President of the Chamber of Deputies, ex-Envoy Extraordinary and Minister Plenipotentiary at Buenos Ayres, Delegate Plenipotentiary.

China:

His Excellency Mr. Lu Tsêng-Tsiang, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency the Honourable John W. Foster, ex-Secretary of State at the United States' Department for Foreign Affairs, Delegate Plenipotentiary;

His Excellency Mr. Tsien-Sun, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Colonel W. S. Y. Tinge, Judge Advocate-General at the War Office, Military Delegate;

Mr. Chang Ching Tong, Secretary of Legation, Assistant Delegate;

Mr. Chao-Hi-Chiu, ex-Secretary of the Imperial Chinese Mission and Legation at Paris and Rome, Assistant Delegate.

Colombia:

General Jorge Holguin, Delegate Plenipotentiary;

M. Santiago Perez Triana, Delegate Plenipotentiary;

His Excellency General M. Vargas, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

The Republic of Cuba:
- M. Antonio Sanchez de Bustamante, Professor of International Law at the University of Havana, Senator of the Republic, Delegate Plenipotentiary;
- His Excellency M. Gonzalo de Quesada y Arostégui, Envoy Extraordinary and Minister Plenipotentiary at Washington, Delegate Plenipotentiary;
- M. Manuel Sanguily, ex-Director of the Institute of Secondary Education at Havana, Senator of the Republic, Delegate Plenipotentiary.

Denmark:
- His Excellency M. C. Brun, Envoy Extraordinary and Minister Plenipotentiary at Washington, First Delegate Plenipotentiary;
- Rear-Admiral C. F. Scheller, Second Delegate Plenipotentiary;
- M. A. Vedel, Chamberlain, Head of Department at the Royal Ministry for Foreign Affairs, Third Delegate Plenipotentiary.

The Dominican Republic:
- M. Francisco Henriquez i Carvajal, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
- M. Apolinar Tejera, Rector of the Professional Institute of Santo Domingo, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary.

The Republic of the Ecuador:
- His Excellency M. Victor Rendón, Envoy Extraordinary and Minister Plenipotentiary at Paris and Madrid, Delegate Plenipotentiary;
- M. Enrique Dorn y de Alsua, Chargé d'Affaires, Delegate Plenipotentiary.

Spain:
- His Excellency M. W. R. De Villa-Urrutia, Senator, ex-Minister for Foreign Affairs, Ambassador Extraordinary and Plenipotentiary at London, First Delegate Plenipotentiary;
- His Excellency M. José de la Rica y Calvo, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
- M. Gabriel Maura y Gamazo, Count de la Mortera, Deputy to the Cortes, Delegate Plenipotentiary;
- M. J. Jofre Montojo, Colonel on the Staff, Aide-de-camp to the Minister of War, Assistant Military Delegate;
- Captain Francisco Chacon, Assistant Naval Delegate.

France:
- His Excellency M. Léon Bourgeois, Ambassador Extraordinary, Senator, ex-President of the Council, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate, First Plenipotentiary;
- Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, Member of the Permanent Court of Arbitration, Delegate, Second Plenipotentiary;
- M. Louis Renault, Professor at the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, Member of the Institute, Member of the Permanent Court of Arbitration, Delegate, Third Plenipotentiary;

France—Continued.
His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate, Fourth Plenipotentiary;
General of Division Amourel, Military Delegate;
Rear-Admiral Arago, Naval Delegate;
M. Fromageot, Advocate at the Court of Appeal at Paris, Technical Delegate;
Captain Lacaze, Second Naval Delegate;
Lieutenant-Colonel Siben, Military Attaché at Brussels and The Hague, Second Military Delegate.

Great Britain:
His Excellency the Right Honorable Sir Edward Fry, G.C.B., Member of the Privy Council, Ambassador Extraordinary, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
His Excellency the Right Honorable Lord Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, ex-President of the Institute of International Law, Delegate Plenipotentiary.
His Excellency Sir Henry Howard, K.C.M.G., C.B., Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
Lieutenant-General Sir Edmond R. Elles, G.C.I.E., K.C.B., Military Delegate;
Captain C. L. Ottley, M.V.O., R.N., A.D.C., Naval Delegate;
Mr. Eyre Crowe, Councillor of Embassy, Technical Delegate, First Secretary to the delegation;
Mr. Cecil Hurst, Councillor of Embassy, Technical Delegate, Legal Adviser to the delegation;
Lieutenant-Colonel the Honourable Henry Yarde-Buller, D.S.O., Military Attaché at The Hague, Technical Delegate;
Commander J. R. Segrave, R.N., Technical Delegate;
Major George K. Cockerill, General Staff, Technical Delegate.

Greece:
His Excellency M. Cléon Rizo Rangabé, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;
M. Georges Streit, Professor of International Law at the University of Athens, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;
Colonel of Artillery C. Sapountzakis, Chief of the General Staff, Technical Delegate.

Guatemala:
M. José Tible Machado, Chargé d'Affaires at The Hague and London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
M. Enrique Gomez Carrillo, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

The Republic of Haïti:
His Excellency M. Jean Joseph Delbémar, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary;

The Republic of Haïti—Continued.
His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary at Washington, Delegate Plenipotentiary;
M. Pierre Hudicourt, ex-Professor of International Public Law, Advocate at the Bar of Port-au-Prince, Delegate Plenipotentiary.

Italy:
His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian delegation, Delegate Plenipotentiary;
His Excellency M. Guido Pompilj, Parliamentary Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs, Delegate Plenipotentiary;
M. Guido Fusinato, Councillor of State, Parliamentary Deputy, ex-Minister of Education, Delegate Plenipotentiary;
M. Marius Nicolis de Robilant, General of Brigade, Technical Delegate;
M. François Castiglia, Captain in the Navy, Technical Delegate.

Japan:
His Excellency Mr. Keiroku Tsudzuki, Ambassador Extraordinary and Plenipotentiary, First Delegate Plenipotentiary;
His Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;
Mr. Henry Willard Denison, Legal Adviser to the Imperial Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Technical Delegate;
Major-General Yoshifuru Akiyama, Inspector of Cavalry, Technical Delegate;
Rear-Admiral Hayao Shimamura, President of the Naval College at Etajima, Technical Delegate.

Luxemburg:
His Excellency M. Eyschen, Minister of State, President of the Grand-Ducal Government, Delegate Plenipotentiary;
Count de Villiers, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

Mexico:
His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary at Rome, First Delegate Plenipotentiary;
His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, Second Delegate Plenipotentiary;
His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, Third Delegate Plenipotentiary.

Montenegro:
His Excellency M. Nélidow, Privy Councillor, Russian Ambassador at Paris, Delegate Plenipotentiary;
His Excellency M. de Martens, Privy Councillor, Permanent Member of the Council of the Imperial Russian Ministry for Foreign Affairs, Delegate Plenipotentiary;
His Excellency M. Tcharykow, Councillor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary of Russia at The Hague, Delegate Plenipotentiary.

Nicaragua:

His Excellency M. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

Norway:

His Excellency M. Francis Hagerup, ex-President of the Council, ex-Professor of Law, Member of the Permanent Court of Arbitration, Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, Delegate Plenipotentiary;

M. Joachim Grieg, Shipowner and Deputy, Technical Delegate.

M. Christian Lous Lange, Secretary to the Nobel Committee of the Norwegian Storthing, Technical Delegate.

Panamá:

M. Belisario Porras, Delegate Plenipotentiary.

Paraguay:

His Excellency M. Eusebio Machain, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

The Netherlands:

M. W. H. de Beaufort, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

His Excellency M. T. M. C. Asser, Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency Jonkheer J. C. C. Den Beer Poortugael, Lieutenant-General on the retired list, ex-Minister of War, Member of the Council of State, Delegate Plenipotentiary;

His Excellency Jonkheer J. A. Röell, Aide-de-camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral on the retired list, ex-Minister of Marine, Delegate Plenipotentiary;

M. J. A. Loeff, ex-Minister of Justice, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

M. H. L. van Oordt, Lieutenant-Colonel on the Staff, Professor at the Higher Military College, Technical Delegate;

M. Jonkheer W. J. M. van Eysinga, Head of the Political Section at the Ministry for Foreign Affairs, Assistant Delegate;

M. Jonkheer H. A. van Karnebeek, Gentleman of the Chamber, Assistant Head of Department at the Colonial Office, Assistant Delegate;

M. H. G. Surie, Naval Lieutenant of the First Class, Technical Delegate.

Peru:

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary at Paris and London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Gustavo de la Fuente, First Secretary of Legation at Paris, Assistant Delegate.

Persia:

His Excellency Samad Khan Momtas-es-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate, First Plenipotentiary;

Persia—Continued.
His Excellency Mirza Ahmed Khan Sadig-ul-Mulkh, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
M. Hennebicq, Legal Adviser to the Minister for Foreign Affairs at Tehran, Technical-Delegate.

Portugal:
His Excellency the Marquis de Soveral, Councillor of State, Peer of the Realm, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at London, Ambassador Extraordinary and Plenipotentiary, Delegate Plenipotentiary;
His Excellency Count de Sélir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
His Excellency M. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, Delegate Plenipotentiary;
Lieutenant-Colonel Thomaz Antonio Garcia Rosado, General Staff, Technical Delegate;
M. Guilherme Ivens Ferraz, Lieutenant-Commander in the Navy, Technical Delegate.

Roumania:
His Excellency M. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;
His Excellency M. Edgard Mavrocordato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;
Captain Alexander Sturdza, General Staff, Technical Delegate.

Russia:
His Excellency M. Nélidow, Privy Councillor, Russian Ambassador at Paris, Delegate Plenipotentiary;
His Excellency M. de Martens, Privy Councillor, Permanent Member of the Council of the Imperial Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
His Excellency M. Tcharykow, Councillor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
M. Prozor, Councillor of State, Chamberlain, Russian Minister at Rio de Janeiro, Technical Delegate;
Major-General Yermolow, Military Attaché at London, Technical Delegate;
Colonel Michelson, Military Attaché at Berlin, Technical Delegate;
Captain Behr, Naval Attaché at London, Technical Delegate;
Colonel Ovtchinnikow, of the Admiralty, Professor of International Law at the Naval Academy, Technical Delegate.

Salvador:
M. Pedro J. Matheu, Chargé d'Affaires at Paris, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
M. Santiago Perez Triana, Chargé d'Affaires at London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary.

Servia:

His Excellency General Sava Grouïtch, President of the Council of State, Delegate Plenipotentiary;

His Excellency M. Milovan Milovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Michel Militchévitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary.

Siam:

Major-General Mom Chatidej Udom, Delegate Plenipotentiary;

M. Corragioni d'Orelli, Councillor of Legation at Paris, Delegate Plenipotentiary;

Captain Luang Bhuvanarth Narübal, Delegate Plenipotentiary.

Sweden:

His Excellency M. Knut Hjalmar Leonard de Hammarskjöld, Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, ex-Minister of Justice, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;

M. Johannes Hellner, ex-Minister without Portfolio, ex-Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Colonel David Hedengren, Commanding a Regiment of Artillery, Technical Delegate;

Commander Gustaf de Klint, Head of a Section on the Staff of the Royal Navy, Technical Delegate.

Switzerland:

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary;

M. Eugène Borel, Colonel on the General Staff, Professor at the University of Geneva, Delegate Plenipotentiary;

M. Max Huber, Professor of Law at the University of Zurich, Delegate Plenipotentiary.

Turkey:

His Excellency Turkhan Pasha, Ambassador Extraordinary, Minister of the Evkaf, First Delegate Plenipotentiary;

His Excellency Rechid Bey, Turkish Ambassador at Rome, Delegate Plenipotentiary;

His Excellency Vice-Admiral Mehemmed Pasha, Delegate Plenipotentiary;

Raïf Bey, Legal Adviser on the Civil List, Assistant Delegate;

Colonel on the Staff Mehemmed Saïd Bey, Assistant Delegate.

Uruguay:

M. José Batlle y Ordonez, ex-President of the Republic, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;

His Excellency M. Juan P. Castro, ex-President of the Senate, Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

Colonel Sebastian Buquet, Commanding a Regiment of Field Artillery, Technical Delegate.

The United States of Venezuela:
M. José Gil Fortoul, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

At a series of meetings, held from the 15th June to the 18th October, 1907, in which the above Delegates were throughout animated by the desire to realize, in the fullest possible measure, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference drew up for submission for signature by the Plenipotentiaries, the text of the Conventions and of the Declaration enumerated below and annexed to the present Act:—

1. Convention for the Pacific Settlement of International Disputes.
2. Convention respecting the Limitation of the Employment of Force for the Recovery of Contract Debts.
3. Convention relative to the Opening of Hostilities.
4. Convention respecting the Laws and Customs of War on Land.
5. Convention respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land.
6. Convention relative to the Status of Enemy Merchant-ships at the Outbreak of Hostilities.
7. Convention relative to the Conversion of Merchant-ships into War-ships.
8. Convention relative to the Laying of Automatic Submarine Contact Mines.
9. Convention respecting Bombardment by Naval Forces in Time of War.
10. Convention for the Adaptation to Naval War of the Principles of the Geneva Convention.
11. Convention relative to certain Restrictions with regard to the Exercise of the Right of Capture in Naval War.
12. Convention relative to the creation of an International Prize Court.
13. Convention concerning the Rights and Duties of Neutral Powers in Naval War.
14. Declaration prohibiting the discharge of Projectiles and Explosives from Balloons.

These Conventions and Declaration shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 30th June, 1908, at The Hague, by the Plenipotentiaries of the Powers represented at the Second Peace Conference.

The Conference, actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following Declaration, which, while reserving to each of the Powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:—

It is unanimous—

1. In admitting the principle of compulsory arbitration.
2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of International Agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a Convention in this sense, never-

theless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by working together here during the past four months, the collected Powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

The Conference has further unanimously adopted the following Resolution:—

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question.

It has besides expressed the following opinions:—

1. The Conference calls the attention of the Signatory Powers to the advisability of adopting the annexed draft Convention for the creation of a Judicial Arbitration Court, and of bringing it into force as soon as an agreement has been reached respecting the selection of the Judges and the constitution of the Court.
2. The Conference expresses the opinion that, in case of war, the responsible authorities, civil as well as military, should make it their special duty to ensure and safeguard the maintenance of pacific relations, more especially of the commercial and industrial relations between the inhabitants of the belligerent States and neutral countries.
3. The Conference expresses the opinion that the Powers should regulate, by special Treaties, the position, as regards military charges, of foreigners residing within their territories.
4. The Conference expresses the opinion that the preparation of regulations relative to the laws and customs of naval war should figure in the programme of the next Conference, and that in any case the Powers may apply, as far as possible, to war by sea the principles of the Convention relative to the laws and Customs of War on land.

Finally, the Conference recommends to the Powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that which has elapsed since the preceding Conference, at a date to be fixed by common agreement between the Powers, and it calls their attention to the necessity of preparing the programme of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

In order to attain this object the Conference considers that it would be very desirable that, some two years before the probable date of the meeting, a preparatory Committee should be charged by the Governments with the task of collecting the various proposals to be submitted to the Conference, of ascertaining what subjects are ripe for embodiment in an International Regulation, and of preparing a programme which the Governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This Committee should further be intrusted with the task of proposing a system of organization and procedure for the Conference itself.

In faith whereof the Plenipotentiaries have signed the present Act and have affixed their seals thereto.*

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to all the Powers represented at the Conference.

(Here follow signatures.)

ANNEX TO THE FIRST OPINION EXPRESSED BY THE SECOND PEACE CONFERENCE.

Draft Convention relative to the Creation of a Judicial Arbitration Court.

PART I.—*Constitution of the Judicial Arbitration Court.*

ARTICLE I.

With a view to promoting the cause of arbitration, the Contracting Powers agree to constitute, without altering the status of the Permanent Court of Arbitration, a Judicial Arbitration Court, of free and easy access, composed of Judges representing the various juridical systems of the world, and capable of insuring continuity in jurisprudence of arbitration.

ARTICLE II.

The Judicial Arbitration Court is composed of Judges and Deputy Judges chosen from persons of the highest moral reputation, and all fulfilling conditions qualifying them, in their respective countries, to occupy high legal posts, or be jurists of recognized competence in matters of international law.

The Judges and Deputy Judges of the Court are appointed, as far as possible, from the members of the Permanent Court of Arbitration. The appointment shall be made within the six months following the ratification of the present Convention.

ARTICLE III.

The Judges and Deputy Judges are appointed for a period of twelve years, counting from the date on which the appointment is notified to the Administrative Council created by the Convention for the Pacific Settlement of International Disputes. Their appointments can be renewed.

Should a Judge of Deputy Judge die or retire, the vacancy is filled in the manner in which his appointment was made. In this case, the appointment is made for a fresh period of twelve years.

ARTICLE IV.

The Judges of the Judicial Arbitration Court are equal and rank according to the date on which their appointment was notified. The Judge who is senior in point of age takes precedence when the date of notification is the same.

The Deputy Judges are assimilated, in the exercise of their functions, with the Judges. They rank, however, below the latter.

ARTICLE V.

The Judges enjoy diplomatic privileges and immunities in the exercise of their functions, outside their own country.

Before taking their seat, the Judges and Deputy Judges must swear, before the Administrative Council, or make a solemn affirmation to exercise their functions impartially and conscientiously.

ARTICLE VI.

The Court annually nominates three Judges to form a special delegation and three more to replace them should the necessity arise. They may be re-elected. They are balloted for. The persons who secure the largest number of votes are considered elected. The delegation itself elects its President, who, in default of a majority, is appointed by lot.

A member of the delegation cannot exercise his duties when the Power which appointed him, or of which he is a national, is one of the parties.

The members of the delegation are to conclude all matters submitted to them, even if the period for which they have been appointed Judges has expired.

ARTICLE VII.

A Judge may not exercise his judicial functions in any case in which he has, in any way whatever, taken part in the decision of a National Tribunal, of a Tribunal of Arbitration, or of a Commission of Inquiry, or has figured in the suit as counsel or advocate for one of the parties.

A Judge cannot act as agent or advocate before the Judicial Arbitration Court or the Permanent Court of Arbitration, before a Special Tribunal of Arbitration or a Commission of Inquiry, nor act for one of the parties in any capacity whatsoever so long as his appointment lasts.

ARTICLE VIII.

The Court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority and, in case the votes are even, by lot.

ARTICLE IX.

The Judges of the Judicial Arbitration Court receive an annual salary of 6,000 Netherland florins. This salary is paid at the end of each half-year, reckoned from the date on which the Court meets for the first time.

In the exercise of their duties during the sessions or in the special cases covered by the present Convention, they receive the sum of 100 florins per diem. They are further entitled to receive a travelling allowance fixed in accordance with Regulations existing in their own

country. The provisions of the present paragraph are applicable also to a Deputy Judge when acting for a Judge.

These emoluments are included in the general expenses of the Court dealt with in Article XXXI, and are paid through the International Bureau created by the Convention for the Pacific Settlement of International Disputes.

ARTICLE X.

The Judges may not accept from their own Government or from that of any other Power any remuneration for services connected with their duties in their capacity of members of the Court.

ARTICLE XI.

The seat of the Judicial Court of Arbitration is at The Hague, and cannot be transferred, unless absolutely obliged by circumstances, elsewhere.

The delegation may choose, with the assent of the parties concerned, another site for its meetings, if special circumstances render such a step necessary.

ARTICLE XII.

The Administrative Council fulfils with regard to the Judicial Court of Arbitration the same functions as to the Permanent Court of Arbitration.

ARTICLE XIII.

The International Bureau acts as registry to the Judicial Court of Arbitration, and must place its offices and staff at the disposal of the Court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the Bureau discharges the functions of Registrar.

The necessary secretaries to assist the Registrar, translators and shorthand writers are appointed and sworn in by the Court.

ARTICLE XIV.

The Court meets in session once a year. The session opens the third Wednesday in June and lasts until all the business on the agenda has been transacted.

The Court does not meet in session if the delegation considers that such meeting is unnecessary. However, when a Power is party in a case actually pending before the Court, the pleadings in which are closed, or about to be closed, it may insist that the session should be held.

When necessary, the delegation may summon the Court in extraordinary session.

ARTICLE XV.

A Report of the doings of the Court shall be drawn up every year by the delegation. This Report shall be forwarded to the Contracting Powers through the International Bureau. It shall also be communicated to the Judges and Deputy Judges of the Court.

ARTICLE XVI.

The Judges and Deputy Judges, members of the Judicial Arbitration Court, can also exercise the functions of Judge and Deputy Judge in the International Prize Court.

PART II.—*Competency and Procedure.*

ARTICLE XVII.

The Judicial Court of Arbitration is competent to deal with all cases submitted to it, in virtue either of a general undertaking to have recourse to arbitration or of a special agreement.

ARTICLE XVIII.

The delegation is competent—

1. To decide the arbitrations referred to in the preceding Article, if the parties concerned are agreed that the summary procedure, laid down in Part IV, Chapter IV, of the Convention for the Pacific Settlement of International Disputes is to be applied;
2. To hold an inquiry under and in accordance with Part III of the said Convention, in so far as the delegation is intrusted with such inquiry by the parties acting in common agreement. With the assent of the parties concerned, and as an exception to Article VII, paragraph 1, the members of the delegation who have taken part in the inquiry may sit as Judges, if the case in dispute is submitted to the arbitration of the Court or of the delegation itself.

ARTICLE XIX.

The delegation is also competent to settle the *Compromis* referred to in Article LII of the Convention for the Pacific Settlement of International Disputes if the parties are agreed to leave it to the Court.

It is equally competent to do so, even when the request is only made by one of the parties concerned, if all attempts have failed to reach an understanding through the diplomatic channel, in the case of—

1. A dispute covered by a general Treaty of Arbitration concluded or renewed after the present Convention has come into force, providing for a *Compromis* in all disputes, and not either explicitly or implicitly excluding the settlement of the *Compromis* from the competence of the delegation. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the Treaty of Arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.
2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *Compromis* should be settled in some other way.

ARTICLE XX.

Each of the parties concerned may nominate a Judge of the Court to take part, with power to vote, in the examination of the case submitted to the delegation.

If the delegation acts as a Commission of Enquiry, this task may be intrusted to persons other than the Judges of the Court. The travelling expenses and remuneration to be given to the said persons are fixed and borne by the Powers appointing them.

ARTICLE XXI.

The Contracting Powers only may have access to the Judicial Arbitration Court set up by the present Convention.

ARTICLE XXII.

The Judicial Court of Arbitration follows the rules of procedure laid down in the Convention for the Pacific Settlement of International Disputes, except in so far as the procedure is laid down in the present Convention.

ARTICLE XXIII.

The Court determines what language it will itself use and what languages may be used before it.

ARTICLE XXIV.

The International Bureau serves as channel for all communications to be made to the Judges during the interchange of pleadings provided for in Article LXIII, paragraph 2, of the Convention for the Pacific Settlement of International Disputes.

ARTICLE XXV.

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests addressed for this purpose can only be rejected when the Power applied to considers them likely to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

ARTICLE XXVI.

The discussions are under the control of the President or Vice-President, or, in case they are absent or cannot act, of the senior Judge present.

The Judge appointed by one of the parties cannot preside.

ARTICLE XXVII.

The Court considers its decisions in private, and the proceedings are secret.

All decisions are arrived at by a majority of the Judges present. If the number of Judges is even and equally divided, the vote of the junior Judge, in the order of precedence laid down in Article IV, paragraph 1, is not counted.

ARTICLE XXVIII.

The judgment of the Court must give the reasons on which it is based. It contains the names of the Judges taking part in it; it is signed by the President and Registrar.

ARTICLE XXIX.

Each party pays its own costs and an equal share of the costs of the trial.

ARTICLE XXX.

The provisions of Articles XXI to XXIX are applicable by analogy to the procedure before the delegation.

When the right of attaching a member to the delegation has been exercised by one of the parties only, the vote of the member attached is not recorded if the votes are evenly divided.

ARTICLE XXXI.

The general expenses of the Court are borne by the Contracting Powers.

The Administrative Council applies to the Powers to obtain the funds requisite for the working of the Court.

ARTICLE XXXII.

The Court itself draws up its own rules of procedure, which must be communicated to the Contracting Powers.

After the ratification of the present Convention the Court shall meet as early as possible in order to elaborate these rules, elect the President and Vice-President, and appoint the members of the delegation.

ARTICLE XXXIII.

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated through the Netherland Government to the Contracting Powers, which will consider together as to the measures to be taken.

PART III.—*Final Provisions.*

ARTICLE XXXIV.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* of the deposit of each ratification shall be drawn up, of which a duly certified copy shall be sent through the diplomatic channel to all the Signatory Powers.

ARTICLE XXXV.

The Convention shall come into force six months after its ratification.

It shall remain in force for twelve years, and shall be tacitly renewed for periods of twelve years, unless denounced.

The denunciation must be notified, at least two years before the expiration of each period, to the Netherland Government, which will inform the other Powers.

The denunciation shall only have effect in regard to the notifying Power. The Convention shall continue in force as far as the other Powers are concerned.

SIGNATURES AND RESERVATIONS

a Table of Signatures Appended to the Hague Conference

[S=signed. R=reserved.]

	I. Convention for the pacific settlement of international controversies. (Ex. F.)		II. Convention concerning the limitation of the employment of force for the recovery of contract debts. (Ex. G.)		III. Convention relating to the opening of hostilities. (Ex. H.)	IV. Convention concerning the laws and customs of war on land. (Ex. I.)		V. Convention concerning the rights and duties of neutral powers and persons in case of war on land. (Ex. J.)		VI. Convention relating to the treatment of hostile merchant vessels at the beginning of hostilities. (Ex. K.)	VII. Convention relating to the transformation of merchant vessels into war vessels. (Ex. L.)
1. Germany											
2. United States of America.	S	R	S		S	S		S			
3. Argentina	S		S	R	S	S		S	R	S	S
4. Austria-Hungary											
5. Belgium	S				S	S		S		S	S
6. Bolivia	S		S	R	S	S		S		S	S
7. Brazil	S	R			S	S		S		S	S
8. Bulgaria	S		S		S	S		S		S	S
9. Chile	S	R	S		S	S		S		S	S
10. China											
11. Colombia	S		S	R	S	S		S		S	S
12. Cuba	S		S		S	S		S		S	S
13. Denmark	S		S		S	S		S		S	S
14. Dominican Republic	S		S	R	S	S		S		S	
15. Ecuador											
16. Spain	S		S		S			S		S	S
17. France	S		S		S	S		S		S	S
18. Great Britain											
19. Greece	S	R	S	R	S	S		S		S	S
20. Guatemala	S		S	R	S	S		S		S	S
21. Haiti	S		S		S	S		S		S	S
22. Italy											
23. Japan											
24. Luxembourg	S				S	S		S		S	S
25. Mexico	S		S		S	S		S		S	S
26. Montenegro	S		S		S	S	R	S		S	S
27. Nicaragua											
28. Norway	S		S		S	S		S		S	S
29. Panama	S		S		S	S		S		S	S
30. Paraguay											
31. Netherlands	S		S		S	S		S		S	S
32. Peru	S		S	R	S	S		S		S	S
33. Persia	S		S		S	S		S		S	S
34. Portugal	S		S			S		S			S
35. Roumania						S					
36. Russia	S		S		S	S	R	S		S	R	S
37. Salvador	S		S	R	S	S		S		S	S
38. Servia	S		S		S	S		S		S	S
39. Siam	S				S	S		S		S	S
40. Sweden					S	S		S		S	S
41. Switzerland											
42. Turkey											
43. Uruguay	S		S	R	S	S		S		S	
44. Venezuela	S				S	S		S		S	S

* Translation submitted to Senate by Department of State

TO THE HAGUE CONVENTIONS OF 1907.

Convention of 1907, and also of the Reservations made.

[S=signed. R=reserved.]

VIII. Convention relating to the laying of automatic submarine contact mines. (Ex. M.)	IX. Convention concerning bombardment by naval forces in time of war. (Ex. N.)	X. Convention for the adaptation of the principles of the Geneva Convention to maritime warfare. (Ex. O.)	XI. Convention relating to certain restrictions in the exercise of the right of capture in maritime war. (Ex. P.)	XII. Convention relative to the establishment of an International Prize Court. (Ex. Q.)	XIII. Convention concerning the rights and duties of neutral powers in case of maritime war. (Ex. R.)	XIV. Declaration relative to prohibiting the throwing down of projectiles and explosives from balloons. (Ex. S.)	XV. The final act. (Ex. T.)
							S
S	S	S	S	S		S	S
S	S	S	S	S	S	S	S
							S
S	S	S	S	S	S	S	S
S	S	S	S	S	S	S	S
S	S	S	S		S	S	S
S	S	S	S	S	S	S	S
S	S R	S	S	S R	S	S	S
							S
S	S	S	S	S	S	S	S
S	S	S	S	S R		S	S
	S	S	S	S			S
S R	S	S	S		S R	S	S
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		S	S				S
		S	S	S	S		S
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S	S	S	S		S	S	S
S	S	S	S	S R	S		S
S	S	S	S	S R	S	S	S
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		S	S			S	S
							S
	S	S			S		S
S	S	S	S	S R	S	S	S
S	S	S	S		S		S
S R	S	S	S	S R	S R	S	S
	S	S	m.	S m.	m.	m.	S
							R
S	S	S	S	S R	S	S	S
S	S	S	S		S		S

with second Hague conference treaties, February 27, 1908.

RESERVATIONS.[a]

I. America.—Under reservation of the declaration made in the plenary session of the Conference of October 16, 1907.

Brazil.—With reservation as to article 53, paragraphs 2, 3, and 4.

Chile.—Under reservation of the Declaration formulated with regard to article 39 in the seventh session of October 7 of the First Commission.

Greece.—With reservation of paragraph 2 of article 53.

II. Argentina.—The Argentine Republic makes the following reservations:

1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign government, recourse shall not be had to arbitration except in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.
2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Bolivia.—With the reservation stated to the First Commission.

Colombia.—Colombia makes the following reservations: She does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. She accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.

Dominican Republic.—With the reservation made at the plenary session of October 16, 1907.

Greece.—With the reservation made at the plenary session of October 16, 1907.

Guatemala.—1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall be had to arbitration only in case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Peru.—With the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by

[a] Translation submitted to Senate by Department of State with second Hague conference treaties, February 27, 1908.

a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

II. Salvador.—We make the same reservations as the Argentine Republic above.

Uruguay.—Under reservation of the first paragraph of article 1, because the Delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

IV. Montenegro.—With the reservations formulated in article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Russia.—With the reservations formulated in article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

V. Argentina.—The Argentine Republic makes reservation of article 19.

VI. Russia.—With the reservations formulated in article 3 and article 4, paragraph 2, of the present Convention, and embodied in the minutes of the seventh plenary session of September 27, 1907.

VIII. Dominican Republic.—With reservation as to the first paragraph of article 1.

Siam.—With reservation of article 1, paragraph 1.

IX. Chile.—With reservation of article 3, formulated during the fourth plenary session of August 17.

X. Persia.—With reservation of the right, recognized by the Conference, to use the Lion and Red Sun instead of and in the place of the Red Cross.

XII. Chile.—With reservation of article 15, formulated at the sixth plenary session of September 21.

Cuba.—With reservation of article 15.

Guatemala.—With the reservations formulated concerning article 15.

Haiti.—With the reservation regarding article 15.

Persia.—With reservation of article 15.

Salvador.—With reservation of article 15.

Siam.—With reservation of article 15.

Uruguay.—With reservation of article 15.

XIII. Dominican Republic.—With reservation regarding article 12.

Persia.—With reservation of articles 12, 19, and 21.

Siam.—With reservation of articles 12, 19, and 23.

XV. With reservations of Wish No. 1, which the Federal Council did not accept.

TREATIES AND CONVENTIONS CONCLUDED AT THE CENTRAL AMERICAN PEACE CONFERENCE, HELD IN WASHINGTON 1907, BETWEEN THE GOVERNMENTS OF COSTA RICA, GUATEMALA, HONDURAS, NICARAGUA AND SALVADOR.

The United States Government was not a signatory party to these conventions, but as the conference met on the initiative of the Presidents of the United States of America and the United States of Mexico and the treaties were concluded under the auspices of the Governments of the United States and the United Mexican States, represented, respectively in said conference by Mr. Wm. I. Buchanan, and Ambassador Don Enrique Creel, who were, by the Central American plenipotentiary representatives of the five Central American Republics, invited to be present at all the deliberations of the conference, the treaties referred to are included in this compilation.

1907.

Preliminary Protocol.

We, the Representatives of the five Republics of Central America, having met in the city of Washington on the initiative of Their Excellencies the Presidents of the United States of America and of the United Mexican States, to settle upon the means of preserving the good relations between the said Republics and of obtaining an enduring peace in those countries; and with the purpose of fixing upon the bases for bringing to a realization these ends, being duly authorized by our respective Governments, have agreed to the following:

ARTICLE I.

Upon receipt of the formal invitation which, as is understood, will be issued simultaneously to each one of the five Republics of Central America, by Their Excellencies the Presidents of the United States of America and of the United Mexican States, a Conference of the Plenipotentiary Representatives, which the Governments of the Republics referred to shall appoint for that purpose—that is to say, Costa Rica, Salvador, Guatemala, Honduras, and Nicaragua—will meet in the first fifteen days of November next, in the city of Washington, to discuss the steps to be taken and the measures to be adopted for the purpose of adjusting any differences which exist between the said Republics or between any of them, and for the purpose of concluding a treaty which shall define their general relations.

ARTICLE II.

Their Excellencies the Presidents of the Republics of Central America will invite Their Excellencies the Presidents of the United States of America and of the United Mexican States to appoint, if agreeable to them, their respective representatives who, in a purely

friendly character, shall lend their good and impartial offices toward the realization of the purposes of the Conference.

ARTICLE III.

While the Conference is in session and discharging the high mission entrusted to it, the five Central American Republics—that is to say, Costa Rica, Salvador, Guatemala, Honduras, and Nicaragua—agree to maintain among themselves peace and good relations, and they assume, respectively, the obligation not to commit, nor to permit to be committed, any act that can disturb the mutual tranquility. To such end, all display of arms on the respective frontiers shall cease and the maritime forces shall be withdrawn to their jurisdictional waters.

ARTICLE IV.

If, unfortunately, any unforeseen question should arise between any of the said Republics while the Conference is in session, and if it can not be settled by amicable diplomatic course, it is mutually agreed that the interested parties shall submit the difference to the friendly advice of His Excellency the President of the United States of America, or of the United Mexican States, or of both Presidents conjointly, according to the case, and in conformity with the agreement to this effect which may be reached.

ELEVENTH.

The session adjourned at 6 o'clock in the afternoon.
Signed at Washington on the 11th of September, 1907.

J. B. CALVO,
President.

F. MEJÍA.
LUIS TOLEDO HERRARTE.
LUIS F. COREA.
ANGEL UGARTE,
Secretary.

1907.

GENERAL TREATY OF PEACE AND AMITY CONCLUDED AT THE CENTRAL AMERICAN PEACE CONFERENCE, OF 1907, BETWEEN COSTA RICA, GUATEMALA, HONDURAS, NICARAGUA, AND SALVADOR.

Concluded December 20, 1907.

ARTICLES.

I. Differences to be submitted to the Central American Court.
II. Alteration of constitutional organization.
III. Neutrality of Honduras.
IV. Establishment of schools recommended.
V. Permanent legations.
VI. Reciprocal treatment of citizens.
VII. Practice of learned professions.
VIII. Industrial property rights.
IX. Merchants' ships.
X. Right of asylum.
XI. Reciprocal protection by diplomatic agents in foreign countries.
XII. National merchant marines.
XIII. Exchange of publications.
XIV. Public instruments.
XV. Judicial commissions, etc.
XVI. Political refugees.
XVII. Revolutionary movements.
XVIII. Bureau of Central American Republics.
XIX. Duration.
XX. Modification of subsequent treaties.
XXI. Ratification.

General Treaty of Peace and Amity.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, being desirous of establishing the foundations which fix the general relations of said countries, have seen fit to conclude a general Treaty of Peace and Amity which will attain said end, and for that purpose have named as Delegates:

Costa Rica: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

Guatemala: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

Honduras: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

Nicaragua: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

Salvador: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

Article I.

The Republics of Central America consider as one of their first duties, in their mutual relations, the maintenance of peace; and they bind themselves to always observe the most complete harmony, and decide every difference or difficulty that may arise amongst them, of whatsoever nature it may be, by means of the Central American Court of Justice, created by the Convention which they have concluded for that purpose on this date.

Article II.

Desiring to secure in the Republics of Central America the benefits which are derived from the maintenance of their institutions, and to contribute at the same time in strengthening their stability and the prestige with which they ought to be surrounded, it is declared that every disposition or measure which may tend to alter the constitutional organization in any of them is to be deemed a menace to the peace of said Republics.

Article III.

Taking into account the central geographical position of Honduras and the facilities which owing to this circumstance have made its territory most often the theater of Central American conflicts, Hon-

duras declares from now on its absolute neutrality in event of any conflict between the other Republics; and the latter, in their turn, provided such neutrality be observed, bind themselves to respect it and in no case to violate the Honduranean territory.

ARTICLE IV.

Bearing in mind the advantages which must be gained from the creation of Central American institutions for the development of their most vital interests, besides the Pedagogical Institute and the International Central American Bureau which are to be established according to the Conventions concluded to that end by this Conference, the creation of a practical Agricultural School in the Republic of Salvador, one of Mines and Mechanics in that of Honduras, and another of Arts and Trades in that of Nicaragua, is especially recommended to the Governments.

ARTICLE V.

In order to cultivate the relations between the States, the contracting Parties obligate themselves each to accredit to the others a permanent Legation.

ARTICLE VI.

The citizens of one of the contracting Parties, residing in the territory of any of the others, shall enjoy the same civil rights as are enjoyed by nationals, and shall be considered as citizens in the country of their residence if they fulfil the conditions which the respective constituent laws provide. Those that are not naturalized shall be exempt from obligatory military service, either on sea or land, and from every forced loan or military requisition, and they shall not be obliged on any account to pay greater contributions or ordinary or extraordinary imposts than those which natives pay.

ARTICLE VII.

The individuals who have acquired a professional degree in any of the contracting Republics, may, without special exaction, practice their professions, in accordance with the respective laws, in any one of the others, without other requirements than those of presenting the respective degree or diploma properly authenticated and of proving, in case of necessity, their personal identity and of obtaining a permit from the Executive Power where the law so requires.

In like manner shall validity attach to the scientific studies pursued in the universities, professional schools, and the schools of higher education of any one of the contracting countries, provided the documents which evidence such studies have been authenticated, and the identity of the person proved.

ARTICLE VIII.

Citizens of the signatory countries who reside in the territory of the others shall enjoy the right of literary, artistic or industrial property in the same manner and subject to the same requirements as natives.

ARTICLE IX.

The merchant ships of the signatory countries shall be considered upon the sea, along the coasts, and in the ports of said countries as national vessels; they shall enjoy the same exemptions, immunities and concessions as the latter, and shall not pay other dues nor be subject to further taxes than those imposed upon and paid by the vessels of the country.

ARTICLE X.

The Governments of the contracting Republics bind themselves to respect the inviolability of the right of asylum aboard the merchant vessels of whatsoever nationality anchored in their ports. Therefore, only persons accused of common crimes can be taken from them after due legal procedure and by order of the competent judge. Those prosecuted on account of political crimes or common crimes in connection with political ones, can only be taken therefrom in case they have embarked in a port of the State which claims them, during their stay in its jurisdictional waters, and after the requirements hereinbefore set forth in the case of common crimes have been fulfilled.

ARTICLE XI.

The Diplomatic and Consular Agents of the contracting Republics in foreign cities, towns and ports shall afford to the persons, vessels and other property of the citizens of any one of them, the same protection as to the persons, ships and other properties of their compatriots, without demanding for their services other or higher charges than those usually made with respect to their nationals.

ARTICLE XII.

In the desire of promoting commerce between the contracting Republics, their respective Governments shall agree upon the establishment of national merchant marines engaged in coastwise commerce and the arrangements to be made with and the subsidies to be granted to steamship companies engaged in the trade between national and foreign ports.

ARTICLE XIII.

There shall be a complete and regular exchange of every class of official publications between the contracting Parties.

ARTICLE XIV.

Public instruments executed in one of the contracting Republics shall be valid in the others, provided they shall have been properly authenticated and in their execution the laws of the Republic whence they issue shall have been observed.

ARTICLE XV.

The judicial authorities of the contracting Republics shall carry out the judicial commissions and warrants in civil, commercial or

criminal matters, with regard to citations, interrogatories and other acts of procedure or judicial function.

Other judicial acts, in civil or commercial matters, arising out of a personal suit, shall have in the territory of any one of the contracting Parties equal force with those of the local tribunals and shall be executed in the same manner, provided always that they shall first have been declared executory by the Supreme Tribunal of the Republic wherein they are to be executed, which shall be done if they meet the essential requirements of their respective legislation and they shall be carried out in accordance with the laws enacted in each country for the execution of judgments.

Article XVI.

Desiring to prevent one of the most frequent causes of disturbances in the Republics, the contracting Governments shall not permit the leaders or principal chiefs of political refugees, nor their agents, to reside in the departments bordering on the countries whose peace they might disturb.

Those who may have established their permanent residence in a frontier department may remain in the place of their residence under the immediate surveillance of the Government affording them an asylum, but from the moment when they become a menace to public order they shall be included in the rule of the preceding paragraph.

Article XVII.

Every person, no matter what his nationality, who, within the territory of one of the contracting Parties, shall initiate or foster revolutionary movements against any of the others, shall be immediately brought to the capital of the Republic, where he shall be submitted to trial according to law.

Article XVIII.

With respect to the Bureau of Central American Republics which shall be established in Guatemala, and with respect to the Pedagogical Institute which is to be created in Costa Rica, the Conventions celebrated to that end, shall be observed, and those that refer to Extradition, Communications, and Annual Conferences, shall remain in full force for the unification of Central American interests.

Article XIX.

The present Treaty shall remain in force for the term of ten years counted from the day of the exchange of ratifications. Nevertheless, if one year before the expiration of said term, none of the contracting Parties shall have given special notice to the others concerning its intention to terminate it, it shall remain in force until one year after such notification shall have been made.

Article XX.

The stipulations of the Treaties heretofore concluded among the contracting Countries, being comprised or suitably modified in this,

it is declared that all stipulations remain void and revoked by the present, after final approval and exchange of ratifications.

ARTICLE XXI.

The exchange of ratifications of the present Treaty, as well as that of the other Conventions of this date, shall be made by means of communications which are to be addressed by the Governments to that of Costa Rica, in order that the latter shall notify the other contracting States. The Government of Costa Rica shall also communicate its ratification if it effects it.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON
J. B. CALVO
ANTONIO BATRES JÁUREGUI
LUIS TOLEDO HERRARTE
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA
ANGEL UGARTE
E. CONSTANTINO FIALLOS
JOSÉ MADRIZ
LUIS F. COREA
SALVADOR GALLEGOS
SALVADOR RODRÍGUEZ G.
F. MEJÍA.

1907.

ADDITIONAL TREATY TO THE TREATY OF PEACE CONCLUDED AT THE CENTRAL AMERICAN CONFERENCE.

Concluded December 20, 1907.

ARTICLES.

I. Recognition of revolutionary Governments.
II. Intervention.
III. Constitutional reforms.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, have seen fit to conclude a Convention additional to the General Treaty, and to that end have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The Governments of the High Contracting Parties shall not recognize any other Government which may come into power in any of the five Republics as a consequence of a *coup d'etat*, or of a revolution against the recognized Government, so long as the freely elected representatives of the people thereof, have not constitutionally reorganized the country.

ARTICLE II.

No Government of Central America shall in case of civil war intervene in favor of or against the Government of the country where the struggle takes place.

ARTICLE III.

The Governments of Central America, in the first place, are recommended to endeavor to bring about, by the means at their command, a constitutional reform in the sense of prohibiting the reelection of the President of a Republic, where such prohibition does not exist, secondly to adopt all measures necessary to effect a complete guarantee of the principle of alternation in power.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON
J. B. CALVO
ANTONIO BATRES JÁUREGUI
LUIS TOLEDO HERRARTE
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA
ANGEL UGARTE
E. CONSTANTINO FIALLOS
JOSÉ MADRIZ
LUIS F. COREA
SALVADOR GALLEGOS
SALVADOR RODRÍGUEZ G.
F. MEJÍA.

1907.

CONVENTION FOR THE ESTABLISHMENT OF A CENTRAL AMERICAN COURT OF JUSTICE, CONCLUDED AT THE CENTRAL AMERICAN PEACE CONFERENCE.

Concluded December 20, 1907.

ARTICLES.

I. Constitution and maintenance of court of justice.
II. Cognizance of violation of treaties, etc.
III. Cognizance of general differences to be submitted.
IV. Special agreements.
V. Place of meeting.
VI. Composition of court.
VII. Appointment of justices.
VIII. Terms of justices.
IX. Oath, etc.
X. Ammunities.
XI. Office incompatible with holding other offices.
XII. Organization of court.
XIII. Disqualification of justices.
XIV. Complaints.
XV. Decision without answer.
XVI. Time of decision.
XVII. Representation.
XVIII. Statu quo, pending final decision.
XIX. Carrying out of measures dictated by court.
XX. Special commissioners.
XXI. Decision of points of fact.
XXII. Jurisdiction, interpretation of treaties, etc.
XXIII. Concurrence in final or interlocutory decisions.
XXIV. Decisions in writing.
XXV. Communications of judgments.
XXVI. Procedure.
XXVII. Binding force of decision.
XXVIII. Exchange of ratifications.

PROVISIONAL ARTICLE.

Amplification of jurisdiction of court.

ANNEXED ARTICLE.

Jurisdiction over conflicts between legislative, executive, and judicial powers.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua and Salvador, for the purpose of efficaciously guaranteeing their rights and maintaining peace and harmony inalterably in their relations, without being obliged to resort in any case to the employment of force, have agreed to conclude a Convention for the constitution of a Court of Justice charged with accomplishing such high aims, and, to that end, have named as Delegates:

COSTA RICA.—Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA.—Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS.—Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angél Ugarte, and Don E. Constantino Fiallos;

NICARAGUA.—Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR.—Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the

Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The High Contracting Parties agree by the present Convention to constitute and maintain a permanent tribunal which shall be called the "Central American Court of Justice", to which they bind themselves to submit all controversies or questions which may arise among them, of whatsoever nature and no matter what their origin may be, in case the respective Departments of Foreign Affairs should not have been able to reach an understanding.

ARTICLE II.

This Court shall also take cognizance of the questions which individuals of one Central American country may raise against any of the other contracting Governments, because of the violation of treaties or conventions, and other cases of an international character; no matter whether their own Government supports said claim or not; and provided that the remedies which the laws of the respective country provide against such violation shall have been exhausted or that denial of justice shall have been shown.

ARTICLE III.[a]

It shall also take cognizance of the cases which by common accord the contracting Governments may submit to it, no matter whether they arise between two or more of them or between one of said Governments and individuals.

ARTICLE IV.

The Court can likewise take cognizance of the international questions which by special agreement any one of the Central American Governments and a foreign Government may have determined to submit to it.

ARTICLE V.

The Central American Court of Justice shall sit at the City of Cartago in the Republic of Costa Rica, but it may temporarily transfer its residence to another point in Central America whenever

[a] The text of this article was corrected by an additional Protocol of the same date so that the true text will be found on p. 2406.

it deems it expedient for reasons of health, or in order to insure the exercise of its functions, or of the personal safety of its members.

ARTICLE VI.

The Central American Court of Justice shall consist of five Justices, one being appointed by each Republic and selected from among the jurists who possess the qualifications which the laws of each country prescribe for the exercise of high judicial office, and who enjoy the highest consideration, both because of their moral character and their professional ability.

Vacancies shall be filled by substitute Justices, named at the same time and in the same manner as the regular Justices and who shall unite the same qualifications as the latter.

The attendance of the five justices who constitute the Tribunal is indispensable in order to make a legal quorum in the decisions of the Court.

ARTICLE VII.

The Legislative Power of each one of the five contracting Republics shall appoint their respective Justices, one regular and two substitutes.

The salary of each Justice shall be eight thousand dollars, gold, per annum, which shall be paid them by the Treasury of the Court. The salary of the Justice of the country where the Court resides shall be fixed by the Government thereof. Furthermore each State shall contribute two thousand dollars, gold, annually toward the ordinary and extraordinary expenses of the Tribunal. The Governments of the contracting Republics bind themselves to include their respective contributions in their estimates of expenses and to remit quarterly in advance to the Treasury of the Court the share they may have to bear on account of such services.

ARTICLE VIII.

The regular and substitute Justices shall be appointed for a term of five years, which shall be counted from the day on which they assume the duties of their office, and they may be reelected.

In case of death, resignation or permanent incapacity of any of them, the vacancy shall be filled by the respective Legislature, and the Justice elected shall complete the term of his predecessor.

ARTICLE IX.

The regular and substitute Justices shall take oath or make affirmation prescribed by law before the authority that may have appointed them, and from that moment they shall enjoy the immunities and prerogatives which the present Convention confers upon them. The regular Justices shall likewise enjoy thenceforth the salary fixed in Article VII.

ARTICLE X.

Whilst they remain in the country of their appointment the regular and substitute Justices shall enjoy the personal immunity which

the respective laws grant to the magistrates of the Supreme Court of Justice, and in the other contracting Republics they shall have the privileges and immunities of Diplomatic Agents.

ARTICLE XI.

The office of Justice whilst held is incompatible with the exercise of his profession, and with the holding of public office. The same incompatibility applies to the substitute Justices so long as they may actually perform their duties.

ARTICLE XII.

At its first annual session the Court shall elect from among its own members a President and Vice-President; it shall organize the personnel of its office by designating a Clerk, a Treasurer, and such other subordinate employees as it may deem necessary, and it shall draw up the estimate of its expenses.

ARTICLE XIII.

The Central American Court of Justice represents the national conscience of Central America, wherefore the Justices who compose the Tribunal shall not consider themselves barred from the discharge of their duties because of the interest which the Republics, to which they owe their appointment, may have in any case or question. With regard to allegations of personal interest, the rules of procedure which the Court may fix, shall make proper provision.

ARTICLE XIV.

When differences or questions subject to the jurisdiction of the Tribunal arise, the interested party shall present a complaint which shall comprise all the points of fact and law relative to the matter, and all pertinent evidence. The Tribunal shall communicate without loss of time a copy of the complaint to the Governments or individuals interested, and shall invite them to furnish their allegations and evidence within the term that it may designate to them, which, in no case, shall exceed sixty days counted from the date of notice of the complaint.

ARTICLE XV.

If the term designated shall have expired without answer having been made to the complaint, the Court shall require the complainant or complainants to do so within a further term not to exceed twenty days, after the expiration of which and in view of the evidence presented and of such evidence as it may *ex officio* have seen fit to obtain, the Tribunal shall render its decision in the case, which decision shall be final.

ARTICLE XVI.

If the Government, Governments, or individuals sued shall have appeared in time before the Court, presenting their allegations and evidence, the Court shall decide the matter within thirty days follow-

ing, without further process or proceedings; but if a new term for the presentation of evidence be solicited, the Court shall decide whether or not there is occasion to grant it; and in the affirmative it shall fix therefor a reasonable time. Upon the expiration of such term, the Court shall pronounce its final judgment within thirty days.

Article XVII.

Each one of the Governments or individuals directly concerned in the questions to be considered by the Court has the right to be represented before it by a trustworthy person or persons, who shall present evidence, formulate arguments, and shall, within the terms fixed by this Convention and by the rules of the Court of Justice do everything that in their judgment shall be beneficial to the defense of the rights they represent.

Article XVIII.

From the moment in which any suit is instituted against any one or more governments up to that in which a final decision has been pronounced, the court may at the solicitation of any one of the parties fix the situation in which the contending parties must remain, to the end that the difficulty shall not be aggravated and that things shall be conserved in *statu quo* pending a final decision.

Article XIX.

For all the effects of this Convention, the Central American Court of Justice may address itself to the Governments or tribunals of justice of the contracting States, through the medium of the Ministry of Foreign Relations or the office of the Clerk of the Supreme Court of Justice of the respective country, according to the nature of the requisite proceeding, in order to have the measures that it may dictate within the scope of its jurisdiction carried out.

Article XX.

It may also appoint special commissioners to carry out the formalities above referred to, when it deems it expedient for their better fulfillment. In such case, it shall ask of the Government where the proceeding is to be had, its cooperation and assistance, in order that the Commissioner may fulfill his mission. The contracting Governments formally bind themselves to obey and to enforce the orders of the Court, furnishing all the assistance that may be necessary for their best and most expeditious fulfillment.

Article XXI.

In deciding points of fact that may be raised before it, the Central American Court of Justice shall be governed by its free judgment, and with respect to points of law, by the principles of International Law. The final judgment shall cover each one of the points in litigation.

ARTICLE XXII.

The Court is competent to determine its jurisdiction, interpreting the Treaties and Conventions germane to the matter in dispute, and applying the principles of international law.

ARTICLE XXIII.

Every final or interlocutory decision shall be rendered with the concurrence of at least three of the Justices of the Court. In case of disagreement, one of the substitute Justices shall be chosen by lot, and if still a majority of three be not thus obtained other Justices shall be successively chosen by lot until three uniform votes shall have been obtained.

ARTICLE XXIV.

The decisions must be in writing and shall contain a statement of the reasons upon which they are based. They must be signed by all the Justices of the Court and countersigned by the Clerk. Once they have been notified they can not be altered on any account; but, at the request of any of the parties, the Tribunal may declare the interpretation which must be given to its judgments.

ARTICLE XXV.

The judgments of the Court shall be communicated to the five Governments of the contracting Republics. The interested parties solemnly bind themselves to submit to said judgments, and all agree to lend all moral support that may be necessary in order that they may be properly fulfilled, thereby constituting a real and positive guarantee of respect for this Convention and for the Central American Court of Justice.

ARTICLE XXVI.

The Court is empowered to make its rules, to formulate the rules of procedure which may be necessary, and to determine the forms and terms not prescribed in the present Convention. All the decisions which may be rendered in this respect shall be communicated immediately to the High Contracting Parties.

ARTICLE XXVII.

The High Contracting Parties solemnly declare that on no ground nor in any case will they consider the present Convention as void; and that, therefore, they will consider it as being always in force during the term of ten years counted from the last ratification. In the event of the change or alteration of the political status of one or more of the Contracting Republics, the functions of the Central American Court of Justice created by this Convention shall be suspended *ipso facto;* and a conference to adjust the constitution of said Court to the new order of things shall be forthwith convoked by the respective Governments; in case they do not unanimously agree the present Convention shall be considered as rescinded.

Article XXVIII.

The exchange of ratifications of the present Convention shall be made in accordance with Article XXI of the General Treaty of Peace and Amity concluded on this date.

Provisional Article.

As recommended by the five Delegations an Article is annexed which contains an amplification of the jurisdiction of the Central American Court of Justice, in order that the Legislatures may, if they see fit, include it in this Convention upon ratifying it.

Annexed Article.

The Central American Court of Justice shall also have jurisdiction over the conflicts which may arise between the Legislative, Executive and Judicial Powers, and when as a matter of fact the judicial decisions and resolutions of the National Congress are not respected.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

Luis Anderson
J. B. Calvo
Antonio Batres Jáuregui
Luis Toledo Herrarte
Víctor Sánchez O.
Policarpo Bonilla
Angel Ugarte
E. Constantino Fiallos
José Madriz
Luis F. Corea
Salvador Gallegos
Salvador Rodríguez G.
F. Mejía.

1907.

ADDITIONAL PROTOCOL TO THE CONVENTION FOR THE ESTABLISHMENT OF A CENTRAL AMERICAN COURT OF JUSTICE.

At the city of Washington, at one o'clock in the afternoon of the twentieth day of December, one thousand nine hundred and seven. The undersigned Delegates to the Central American Peace Conference:

For Costa Rica: Their Excellencies Doctor Luis Anderson and Don Joaquín B. Calvo;

For Guatemala: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte and Don Víctor Sánchez-Ocaña;

For Honduras: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte and Don E. Constantino Fiallos;

For Nicaragua: Their Excellencies Doctor Don José Madriz and Doctor Don Luis F. Corea;

For Salvador: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González and Don Federico Mejía,

Noting that an error has been committed in copying the text of Article III of the Convention for the establishment of a Central American Court of Justice, concluded on this date, make it known that the authentic text of said Article III is as follows:

"It shall also have jurisdiction over cases arising between any of the contracting Governments and individuals, when by common accord they are submitted to it."

In testimony whereof they sign the present Protocol, which shall be considered as an integral part of the Convention.

LUIS ANDERSON
J. B. CALVO
ANTONIO BATRES JÁUREGUI
LUIS TOLEDO HERRARTE
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA
ANGEL UGARTE
E. CONSTANTINO FIALLOS
JOSÉ MADRIZ
LUIS F. COREA
SALVADOR GALLEGOS
SALVADOR RODRÍGUEZ G.
F. MEJÍA.

1907.

EXTRADITION CONVENTION CONCLUDED AT THE CENTRAL AMERICAN PEACE CONFERENCE.

Concluded December 20, 1907.

ARTICLES.

I. Delivery of accused.
II. Nonextradition.
III. Political offenses.
IV. Nondelivery of citizens; trial for infractions of penal code.
V. Offenses in country of asylum.
VI. Demand for extradition by other governments.
VII. Request; provisional detention.
VIII. Contents of request.
IX. Apprehension of fugitive.
X. Offense for which to be tried.
XI. Expenses.
XII. Objects in possession of accused.
XIII. Opposition to extradition.
XIV. Evidence.
XV. Effect.
XVI. Notice of ratification.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, desiring to confirm their friendly relations and to promote the cause of justice, have resolved to celebrate a Convention for the extradition of fugitives from justice, and to that end have named as delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The Contracting Republics agree to deliver up reciprocally the individuals who may take refuge in the territory of one of them and who in the other may have been condemned as authors, accomplices, or abettors of a crime, to a penalty of not less than two years of deprivation of their liberty, or who may have been indicted for a crime which, in accordance with the laws of the demanding country, carries a penalty equal to or greater than that above stated.

ARTICLE II.

Extradition shall not be granted in any of the following cases:

1. When the evidence of criminality presented by the demanding party would not justify, according to the laws of the place where the fugitive so charged is found, his apprehension and commitment for trial, if the offense had been there committed.
2. When the offense charged is of a political character, or, being a common crime, is connected therewith.
3. When under the laws of the demanding country or of that of asylum, the action or the penalty has been barred.
4. If the accused demanded should have been already tried and sentenced for the same act in the Republic wherein he resides.
5. If in the latter, the act because of which extradition is requested should not be considered a crime.
6. When the penalty corresponding to the crime for which extradition is requested shall be that of death, unless the demanding Government binds itself to apply the next lower penalty.

ARTICLE III.

The person whose extradition is conceded, because of one of the crimes mentioned in Article I, shall in no case be tried and punished in the country to which he is surrendered for a political crime committed before his extradition nor for an act which may have connection with a political crime. The attempt against the life of the head

of the Government or anarchistical attempts shall not be considered a political crime, provided that the law of the demanding country and of the country of which extradition is requested shall have fixed a penalty for said acts. In that case extradition shall be granted, even when the crime in question shall carry a penalty of less than two years of imprisonment.

ARTICLE IV.

The High Contracting Parties shall not be obliged to deliver their nationals; but they must try them for the infractions of the Penal Code committed in any of the other Republics, and the respective government must communicate the corresponding proceedings, information, and documents, and deliver the articles which constitute the *corpus delicti*, furnishing everything conducive to the investigation necessary for the expedition of the trial. This having been done, the cause shall continue until its determination, and the government of the country of the trial shall inform the other of the final result.

ARTICLE V.

If the individual whose extradition is sought should have been indicted or should have been found guilty in the country of his asylum for a crime committed therein, he shall not be delivered except after having been acquitted by a final judgment, and in case of his conviction after he has served the sentence or has been pardoned.

ARTICLE VI.

If the fugitive whose extradition is requested by one of the contracting parties should also have been sought by one or more governments he shall be delivered in preference to the one first making the requisition.

ARTICLE VII.

Request for the delivery of fugitives shall be made by the respective diplomatic agents of the contracting parties, or, in their absence from the country or from the seat of government, it may be made by consular officers.

In urgent cases the provisional detention of the accused may be requested by means of telegraphic or postal communication, addressed to the ministry of foreign relations, or through the respective diplomatic agent, in his absence, through the consul. The provisional arrest shall be made according to the rules established by the laws of the country of which extradition is requested; but shall cease if the request for extradition has not been formally presented within the term of one month following the arrest.

ARTICLE VIII.

The request for extradition shall specify the evidence or foundation thereof which, by the laws of the country wherein the crime has been committed, shall be sufficient to justify the apprehension and

commitment of the accused. The judgment, indictment, warrant of arrest, or any other equivalent document shall also accompany the same; and the nature and gravity of the acts charged, and the provisions of the penal codes which are applicable thereto must be indicated. In case of flight after having been found guilty and before serving the sentence, the request for extradition shall express these circumstances and shall be accompanied with the judgment only.

Article IX.

The proper authority shall apprehend the fugitive, to the end that he may be brought before the competent Judicial authority to be examined. If it is decided that according to the laws and the evidence presented the surrender shall be carried out in accordance with this Convention, the refugee shall be delivered in the manner prescribed by law in such cases.

Article X.

The person delivered can not be tried or punished in the country to which his extradition has been granted, nor delivered to a third country because of a crime not included in this Convention, and committed before his surrender, unless the Government which makes the surrender consents to the trial, or to the delivery to said third nation.

Nevertheless this consent shall not be necessary:

1. When the accused may voluntarily have requested that he be tried or delivered to the third nation;

2. When he may have been at liberty to leave the country for thirty days, his release having been based on the lack of foundation in the charge for which he was surrendered, or, in case of conviction, a term of thirty days after serving his sentence or obtaining a pardon.

Article XI.

The expenses of arrest, maintenance, and travel of the claimed person, as well as of the delivery and transportation of the articles which, because of their connection with the crime, have to be returned or forwarded, shall be borne by the demanding Government.

Article XII.

All the objects found in the possession of the accused and obtained through the commission of the act of which he is accused, or that may serve as evidence of the crime on account of which extradition is requested, shall be confiscated and delivered with his person if the competent authority so orders. Nevertheless the rights of third parties concerning these articles shall be respected, and delivery thereof shall not be made until the question of ownership has been determined.

Article XIII.

In all cases of detention the fugitive shall be acquainted within the term of twenty-four hours with the cause thereof, and notified that

he may, within not to exceed three days counted from the one following that of the notification, oppose extradition, by alleging:

1. That he is not the person claimed;
2. Substantial defects in the documents presented; and
3. The inadmissibility of the request for extradition.

Article XIV.

In cases where it is necessary to prove the facts alleged, evidence shall be taken, in full observance of the provisions of the law of procedure of the Republic of which extradition is requested. The evidence having been produced, the matter shall be decided without further steps, within the period of ten days, and it shall be declared whether or not the extradition shall be granted. Against such a decision, and within three days following notification thereof, the legal remedies of the country of asylum may be invoked.

Article XV.

The present convention shall take effect one month after the last ratification, and shall continue in effect until one year after notification of a desire to terminate it shall have been given in due form by one of the Governments to the others. In such case it shall continue in force between the others who have not renounced it.

Article XVI.

Each government shall give notice to the others of the legislative ratification of this convention within ten days at the latest after it has taken place. This advice, by notes, shall be considered as an exchange of ratification without the necessity of any special formality.

Signed at the city of Washington on the twentieth of December, one thousand nine hundred and seven.

Luis Anderson
J. B. Calvo
Antonio Batres Jáuregui
Luis Toledo Herrarte
Víctor Sánchez O.
Policarpo Bonilla
Angel Ugarte
E. Constantino Fiallos
José Madriz
Luis F. Corea
Salvador Gallegos
Salvador Rodríguez G.
F. Mejía.

1907.

CONVENTION FOR THE ESTABLISHMENT OF AN INTERNATIONAL CENTRAL AMERICAN BUREAU CONCLUDED AT THE CENTRAL AMERICAN PEACE CONFERENCE.

Concluded December 20, 1907.

ARTICLES.

I. Organization and purpose of bureau.
II. Delegates.
III. Presidency.
IV. Functions of bureau.
V. Reports.
VI. Location of bureau.
VII. Assistance by diplomatic and consular agents.
VIII. Expenses.
IX. Organ of publicity.
X. Exchange of information.
XI. Force.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador being desirous to develop the interests common to Central America, have agreed to establish an International Bureau that shall take charge of the supervision and care of such interests, and, in order to attain so important an end, have seen fit to conclude a special Convention, and for that purpose have named as Delegates:

COSTA RICA.—Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA.—Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS.—Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA.—Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR.—Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The following Central American interests are recognized as being those to which special attention should be paid:

1. To combine every effort toward the peaceful reorganization of their mother country, Central America.

2. To impress upon public education an essentially Central American character, in a uniform sense, making it as broad, practical, and complete as possible, in accordance with the modern pedagogical tendency.

3. The development of Central American Commerce and of all that may tend to make it more active and profitable, and its expansion with other nations.

4. The advancement of agriculture and industries that can be developed to advantage in its different sections.

5. The uniformity of civil, commercial, and criminal legislation, recognizing as a fundamental principle the inviolability of life, respect for property, and the most absolute sacredness of the personal rights of man; uniformity in the system of custom-houses; in the monetary system, in such manner as to secure a fixed rate of exchange; general sanitation, and especially that of the Central American ports; confidence in the Central American credit; uniformity in the system of weights and measures; the definition of what constitutes real property, in such a firm and unquestionable manner as will serve as a solid foundation for credit and permit the establishment of mortgage banks.

ARTICLE II.

For the purposes hereinbefore mentioned the signatory Governments bind themselves to establish an International Central American Bureau, composed of one delegate from each one of them.

ARTICLE III.

The Presidency of the Bureau shall be exercised alternatively by the members that compose it, the alphabetical order of the contracting States being followed for that purpose.

ARTICLE IV.

The functions of the Bureau shall be all those considered necessary and expedient to achieve the objects placed in its care by the present agreement, and to that end the office shall enumerate them in the rules that it may establish, being empowered to make all provisions of internal regulation that may be conducive to the proper fulfillment of the mission of maintaining and developing the Central American interests that may be placed under its care and supervision.

In order to attain this end the contracting governments bind themselves to lend to the Bureau all the support and protection necessary for the proper fulfillment of its object.

ARTICLE V.

The Bureau shall every six months send to each of the signatory Governments a detailed report of the work accomplished in the preceding half-year.

ARTICLE VI.

The Bureau shall be located in the city of Guatemala, and effort shall be made to install it at the latest on September 15 of the coming year 1908.

ARTICLE VII.

The diplomatic and consular agents of the contracting Governments shall lend all the assistance that the Bureau may ask of them, furnishing it with all the needed data, reports, and information and shall fulfill the commissions and requests that it may see fit to entrust to them.

ARTICLE VIII.

The expenses incident to the maintenance of the Bureau shall be paid in equal parts by the signatory Powers.

ARTICLE IX.

The Bureau shall have an organ of publicity in connection with its work, and shall endeavor to maintain intercourse with other offices of a like nature, particularly with the International Bureau of the American Republics established in Washington.

ARTICLE X.

The Bureau shall be a medium of intelligence among the signatory countries and shall send the respective governments the communications, information, and reports that it may deem necessary for the development of the relations and interests with which it is entrusted.

ARTICLE XI.

The present Convention shall remain in force for fifteen years, and may be extended at the will of the High Contracting Parties.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON
J. B. CALVO
ANTONIO BATRES JÁUREGUI
LUIS TOLEDO HERRARTE
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA
ANGEL UGARTE
E. CONSTANTINO FIALLOS
JOSÉ MADRIZ
LUIS F. COREA
SALVADOR GALLEGOS
SALVADOR RODRÍGUEZ G.
F. MEJÍA

1907.

CONVENTION FOR THE ESTABLISHMENT OF A CENTRAL AMERICAN PEDAGOGICAL INSTITUTE.

Concluded December 20, 1907.

ARTICLES.

I. Foundation of institute.
II. Grade of institute.
III. Control of institute.
IV. Students.
V. Expenses.
VI. Payment of expenses.
VII. Continuance of pedagogical league.
VIII. Ratification.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, recognizing it as of the greatest importance and consequence to model public instruction on a spirit of Central-Americanism and to direct it uniformly along the lines which modern pedagogy establishes, and being animated by the desire to make this recognition effective and practical, have decided to conclude a convention, and to that end have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The Republics of Costa Rica, Guatemala, Honduras, Nicaragua and Salvador, animated by the desire of establishing a common, essentially homogeneous system of education, which shall tend toward the moral and intellectual unification of these sister countries, have

agreed to found, at the expense and to the advantage of all, a Pedagogical Institute, with a division for men and for women, for the professional education of teachers. Costa Rica shall be the seat of the institute.

ARTICLE II.

It is understood that with regard to its staff of teachers, buildings, furnishings, and scientific apparatus the Pedagogical Institute shall be of as high a grade as the best institutes of its class.

ARTICLE III.

The installation, organization, and economical administration, as also the general control of the establishment, shall pertain to the Government of Costa Rica; but the other interested Governments shall have the right, when they consider it expedient, to name a representative on the executive board of the same. The Government of Costa Rica shall communicate annually to the other Governments the progress and condition of the establishment.

ARTICLE IV.

Each Republic has the right to maintain as many as one hundred students in the Pedagogical Institute, fifty of each sex, but shall not send less than twenty of each sex.

ARTICLE V.

The estimate of extraordinary expenses of installation, in which shall be included the buildings, the furnishings, the scientific equipment, the transportation of the professorial staff, etc., having been made, it shall be communicated to the Governments interested, each one of which shall place its respective quota at the disposal of the Government of Costa Rica.

In view of the progressive expansion and development of the Central American Pedagogical Institute, the Government of Costa Rica is authorized to construct special buildings, removed from the great centers of population, in cool, healthy places appropriate for intellectual work.

ARTICLE VI.

With regard to the ordinary expenses of salaries, board, administration, etc., they shall be paid to Costa Rica at the beginning of each school year.

ARTICLE VII.

The Pedagogical League hereby agreed to—the first step toward the unification of the systems of education—shall continue in existence fifteen years, and may be extended at the will of the High Contracting Parties.

ARTICLE VIII.

This Convention shall be ratified by means of notes exchanged among the Governments interested; and once ratified, it shall take effect without loss of time.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON
J. B. CALVO
ANTONIO BATRES JÁUREGUI
LUIS TOLEDO HERRARTE
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA
ANGEL UGARTE
E. CONSTANTINO FIALLOS
JOSÉ MADRIZ
LUIS F. COREA
SALVADOR GALLEGOS
SALVADOR RODRÍGUEZ G.
F. MEJÍA.

1907.

CONVENTION CONCERNING FUTURE CENTRAL AMERICAN CONFERENCES.

Concluded December 20, 1907.

ARTICLES.

I. Commissioners to study monetary systems, etc.
II. Reports.
III. Time of holding of conferences.
IV. Meeting of first conference.
V. Force; effect.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, desiring to promote the unification and harmony of their interests, as one of the most efficacious means to prepare for the fusion of the Central American peoples into one single nationality, have agreed to conclude a Convention for the naming of Commissions and for the meeting of Central American Conferences, which shall agree upon the most efficacious and proper means to the end of bringing uniformity into their economical and fiscal interests; and to that end have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

Each one of the contracting Governments obligates itself to name within one month, counted from the last ratification of this agreement, one or more Commissions, which shall occupy themeselves preferably with the study of all that concerns the monetary system of their respective countries, especially in relation to those of the other States, and interchange amongst them; and, besides, the study of everything relating to the custom-house systems, the system of weights and measures, and other matters of an economic and fiscal nature which it may be deemed expedient to make uniform in Central America.

ARTICLE II.

The Commissions shall present a report within six months after their appointment, and each Government shall communicate such report to the others, inviting them to designate forthwith one or more delegates, in order that they may attend a Central American Conference, which shall be inaugurated on the first of the following January, and shall have for its object the conclusion of a Convention for the purpose of defining the means tending to the accomplishment of the ends to which Article I relates, giving preference to what relates to the monetary system of the five Republics and endeavoring to establish therein a fixed rate of exchange with regard to gold.

ARTICLE III.

Conferences shall be held annually thereafter, which shall open on the first day of January, in order to treat the questions comprised in Article I of this Convention which have not been settled at the previous Conference; and all the other matters which the Governments may see fit to submit to said Conferences.

ARTICLE IV.

The first Conference shall meet at the city of Tegucigalpa on the date indicated in Article II; and when its sessions are over it shall designate the place in which the next Conference shall meet, and so on successively.

ARTICLE V.

The present Convention shall remain in force for five years, but if at the expiration of that term none of the signatory Governments shall have denounced it, it shall continue in force until six months after one of the High Contracting Parties shall have notified the others of its determination to withdraw from it.

Signed at the City of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON
J. B. CALVO
ANTONIO BATRES JÁUREGUI
LUIS TOLEDO HERRARTE
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA
ANGEL UGARTE
E. CONSTANTINO FIALLOS
JOSÉ MADRIZ
LUIS F. COREA
SALVADOR GALLEGOS
SALVADOR RODRÍGUEZ G.
F. MEJÍA.

1907.

CONVENTION ON COMMUNICATIONS—CENTRAL AMERICAN PEACE CONFERENCES.

Concluded December 20, 1907.

ARTICLES.

I. Commissions for Pan-American Railway.
II. Reports.
III. Concessions of land, etc.
IV. Reports to Bureau of American Republics.
V. Competition for bids.
VI. Transit of Isthmus of Panama.
VII. Appointment of commission and submission of report.
VIII. Contracts by individual governments.
IX. Establishment and improvement of means of communication.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, each being desirous to contribute its share towards the realization of the great work of the Pan-American Railway, and, in order to attain so important an end, have seen fit to conclude a special Convention, and to that end have appointed as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

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The Delegates assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner.

ARTICLE I.

Each Government shall appoint a commission, in order that it may study and propose the most suitable measures to carry out the portion of said work within its own territory.

ARTICLE II.

The commissions, availing themselves of the surveys already existing of the Pan American Railway, and making all others that they may deem necessary, shall submit to their respective Governments detailed reports concerning the number of miles which need to be constructed, the towns and lands which the line should cross, the branches which it is advisable to connect to the principal line, the cost of the different sections, and all the measures that it may deem expedient for the end in view.

ARTICLE III.

The same commissions, when they point out the most suitable measures for the construction of the respective sections, shall suggest, as far as possible, what ought to be done concerning concessions of lands, privileges, tariffs, guarantees, and other points usual in such cases.

ARTICLE IV.

After approval by the Governments, said reports shall be sent to the International Bureau of the American Republics at Washington, so that bids may be solicited, in order to obtain the best conditions in letting the corresponding contracts for the construction of the lines which are considered necessary.

ARTICLE V.

The said International Bureau, together with the Diplomatic Representatives of the five Republics of Central America, shall open said

competition, endeavoring in the first place to secure the organization of one or more companies which will construct the sections indicated, and if that be impossible to consolidate and bring to an agreement the different companies that may hold or obtain concessions or contracts directly with the Governments.

ARTICLE VI.

The contracting governments shall come to an agreement with the Government of the United Mexican States and with the Government of Panama concerning everything that may refer to the transit of merchandise and passengers from border to border.

ARTICLE VII.

The commissions shall be appointed subject to the approval of the present Convention, and the report shall be presented within a term of not to exceed six months after said appointment.

ARTICLE VIII.

The present convention shall not preclude the Governments from directly making contracts referring to the construction of railroads in their respective countries; but they must send said contracts to the International Bureau, in view of the consolidation or agreement to which Article V refers.

ARTICLE IX.

The contracting governments, moreover, pledge themselves to make the necessary arrangements to establish and improve the means of communication between the several Republics, such as lines of steamships, submarine cables, telegraph lines, wireless stations, telephones, and everything that may tend to cement their mutual relations.

The existing agreements concerning cable, telegraph, and telephone services, shall continue in force so long as the interested Governments deem it convenient.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON
J. B. CALVO
ANTONIO BATRES JÁUREGUI
LUIS TOLEDO HERRARTE
VÍCTOR SÁNCHEZ O.
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F. MEJÍA.

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